



Detailed representations - 03 September 2026

Item	Detail
Application	26/13497/BGP
Description	Approval of details reserved by condition 5 (BNG) of permission 22/06015/FB – engineering works to enable the Temple Island site for further development
Site	Former Diesel Depot, Bath Road, Brislington, Bristol BS4 3DT, and off-site land at Victoria Park, Briery Leaze Road, Eastville Park, Newbridge Road Open Space and Ridgeway Playing Fields
Applicant	Bristol City Council (Growth and Regeneration)
Approved requirement	21.25 habitat units
Our position	The conditions should not be discharged on the documents as submitted
Date	[date] 2026
Our reference	BTF/TI/2026-02

This representation follows and supplements our preliminary representation of 3 September 2026, in which we put 32 questions to the Council. Question numbers cited below (Q1, Q2 ...) refer to that letter.

1. Introduction and status of this representation

- 1.1 Bristol Tree Forum objects to the discharge of conditions 5 and 6 of planning permission 22/06015/FB on the documents submitted under this application. This representation sets out our analysis in full. It stands on its own: it does not depend on the applicant answering the questions in our preliminary representation of 3 September 2026, although we continue to press for those answers.
- 1.2 An application for approval of details reserved by condition attracts no statutory publicity obligation. This representation is therefore unsolicited, and we ask again that it be placed on the application file and taken into account in the determination.
- 1.3 We have examined: the decision notice and delegated officer report for 22/06015/FB; the non-material amendment 23/03424/NMA; the biodiversity net gain plan approved under 23/04188/COND; the Landscape and Ecological Management Plan (P04, 23 April 2025) and Metric 3.1 calculation submitted with 25/12034/COND; the covering letter, LEMP (P01, 13 August 2026), Landscape Specification and biodiversity metric workbook submitted with this application; the environmental statement for 25/10013/P; the biodiversity gain plan approved



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under 25/11339/COND; and the Council's responses to four requests for information.

- 1.4 Where we state a figure taken from a document, we identify the document and cell or paragraph. Where we have *calculated* a figure ourselves, we say so and set out the method in Appendix A so that it can be checked. We have been careful to distinguish the two.

2. Summary of representations

- 2.1 The approved requirement is 21.25 habitat units. It was set in the delegated officer report of 8 June 2023 and in the biodiversity net gain plan approved under 23/04188/COND, and it derives from an on-site baseline of 19.32 units calculated under Biodiversity Metric 3.1 with medium strategic significance. The LEMP now submitted still states both figures.
- 2.2 The metric workbook submitted with the LEMP contradicts it. It gives a baseline of 17.56 units and restates the requirement as 19.32 units, by reclassifying the on-site habitats from medium to low strategic significance without explanation. That reduces the obligation by 1.93 units.
- 2.3 The application contains two irreconcilable calculations and three different net gain figures. The LEMP reports +11.75% in Table 1 and +11.07% in its text; the workbook reports +60.94%. The two documents describe different schemes.
- 2.4 The LEMP's Table 2 was edited rather than recalculated. For all seven parcels carried over from the April 2025 scheme the figures are identical to the penny. They are Metric 3.1 outputs at moderate condition and high strategic significance, which is why they reconcile with nothing in the accompanying workbook.
- 2.5 Compliance turns entirely on the assumed target condition. On our reconstruction the scheme meets 21.25 units at good condition on any treatment of strategic significance, and fails at moderate condition on every treatment – including the medium classification the Council approved. Moderate is the standard specified in the approved plan, the environmental statement, the April 2025 metric, and this LEMP's own monitoring criteria.
- 2.6 No delay has been priced in. The delay field is blank for all eight parcels. The habitat was cleared by late 2024; the programme still shows implementation in 2025; the application is dated August 2026. One year of delay exhausts the stated margin of 0.34 units.
- 2.7 The resourcing figure exists but is not in the application. The Council has confirmed an agreed offsetting payment of £1,582,057.38, paid internally to its own Parks and Green Spaces service. Condition 6 requires the LEMP to show how the work is resourced; the LEMP contains no figure at all.
- 2.8 Nothing secures the thirty-year obligation. An internal recharge is a budget transfer, not a security, and the specification's own maintenance obligations end at three and five years.
- 2.9 No engagement with park users is evidenced, against the applicant's own selection criteria, on nine parcels of public park committed through a route carrying no statutory publicity.

3. The permission, the conditions, and the approved requirement

The permission and the conditions



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- 3.1 Planning permission 22/06015/FB was applied for on 21 December 2022 and granted in June 2023 for engineering works to enable the Temple Island site – remediation, structural fill and utilities infrastructure. The works cleared the whole 2.56 ha site.
- 3.2 The delegated officer report records that the site comprised open mosaic habitat on previously developed land (OMH), a UK and Bristol Biodiversity Action Plan priority habitat of particular importance to invertebrates; that the loss could not be compensated on site; and that:
- ‘The Nature Conservation Officer noted that the habitat units required to achieve a 10% net gain are 21.25 units, a figure which goes above the minimum requirements.’*
- 3.3 Compensation off site was accepted on the basis that receptor habitats be of importance to invertebrates, secured by conditions 5 and 6. Both conditions were reworded by non-material amendment 23/03424/NMA in October 2023 so that they bite on completion of the structural fill works rather than pre-commencement.
- 3.4 Condition 5, as amended, requires that within three months of completion of the structural fill works ‘evidence that the full habitat unit requirement has been secured (in accordance with the approved biodiversity net gain plan)’ be submitted to and approved by the local planning authority. Condition 6 requires a LEMP showing how the off-site habitats will be managed long term, how management ‘will be resourced and monitored for 30 years’, and evidence that management ‘is secured for a period of at least 30 years.’

Where 21.25 habitat units comes from

- 3.5 The first limb of condition 5 was discharged on 11 December 2023 under 23/04188/COND, approving the biodiversity net gain plan of 25 October 2023. That plan used Biodiversity Metric 3.1 and reasoned expressly that the on-site habitats, though priority habitat, were not identified in any local plan, strategy or policy and so could not be classed as high strategic significance; they were classified as medium. The baseline follows:

Table 1 – Derivation of the approved on-site baseline (Metric 3.1, medium strategic significance)

Habitat	Area (ha)	Dist.	Cond.	Strat. sig.	Units	Status
Urban – open mosaic habitat on previously developed land	1.432	6 (High)	2 (Mod.)	1.1	18.9024	Lost
Heathland and shrub – mixed scrub	0.047	4 (Med.)	2 (Mod.)	1.1	0.4136	Lost
Urban – developed land, sealed surface	0.028	0	n/a	1.1	0.0000	Lost
Urban – artificial unvegetated, unsealed	1.056	0	n/a	1.1	0.0000	Lost



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Habitat	Area (ha)	Dist.	Cond.	Strat. sig.	Units	Status
surface						
Total baseline	2.563				19.3160	
Requirement at +10%					21.2476	'21.25 units'

Source: A-1 sheet of the Metric 3.1 calculation submitted with 25/12034/COND, which reproduces the approved baseline. The 21.25 figure in the officer report is 19.316×1.10 .

- 3.6 Two points follow. First, 19.32 units is a genuine baseline, not – as might appear from the current workbook – a requirement mislabelled. Second, 21.25 units has been the accepted requirement since the permission was granted, and was carried unchanged through the 2023 approval, the October 2024 environmental statement and the April 2025 discharge.

4. The applicable regime

- 4.1 The application for 22/06015/FB was made on 21 December 2022. Mandatory biodiversity net gain commenced on 12 February 2024, and regulation 3 of the Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 provides that the biodiversity gain planning condition does not apply where the application for planning permission was made before that date. The amendments made in August 2026 do not disturb that position for permissions already in the system.
- 4.2 This permission is therefore exempt from the statutory regime. Net gain here is secured by conditions 5 and 6 as policy compliance under the NPPF and policy DM19. We draw three consequences, and state them plainly because two of them are in the applicant's favour.
- **The statutory trading rules do not bind.** The workbook's report that trading rules are not satisfied, and its computed requirement for 34.37 tier A2 credits, are outputs of a tool assuming a regime this permission sits outside. The Council was free to accept OMH being compensated with invertebrate-rich grassland, and did so expressly in 2023. We do not press that point as a ground of objection.
 - **There is no duty to use the statutory metric** and no duty to register the off-site gain. Metric 3.1 remains a legitimate basis, and is the basis of the approved plan.
 - **The benchmark is what the Council approved.** Because no statutory requirement applies, the only requirement is the one in the approved biodiversity net gain plan to which condition 5 refers: 21.25 units. A workbook that generates its own, lower requirement has no standing against the condition.
- 4.3 The thirty-year management, monitoring and securing duties are unaffected by the exemption: they arise from the wording of condition 6 itself, which the applicant accepted at the non-material amendment stage.



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5. The submitted calculation does not reconcile

Three different figures for one scheme

- 5.1 The LEMP states a net gain of +11.75% in Table 1 and +11.07% in the text at section 4. The workbook states +60.94%. The +11.07% figure appears to be the April 2025 document's +11.09% miscopied: the surrounding paragraph is otherwise identical.

Table 2 – Assumptions and results across the three submissions

Area habitat units	Approved Dec 2023	Discharged Apr 2025	LEMP Aug 2026	Workbook Aug 2026
Metric version	3.1	3.1	3.1 figures	Statutory
On-site strategic significance	Medium ×1.1	Medium ×1.1	Medium ×1.1	Low ×1.0
Off-site baseline strategic significance	—	High ×1.15	High ×1.15	Low ×1.0
Off-site post-intervention strategic significance	—	High ×1.15	High ×1.15	High on 6 of 8
Target condition	—	Moderate	Moderate	Good on 6 of 8
Off-site parcels / area	—	19 rows · 4.21 ha	9 rows · 3.68 ha	8 rows · 3.68 ha
On-site baseline	19.32	19.32	19.32	17.56
Requirement (baseline +10%)	21.25	21.25	21.25	19.32
Off-site baseline	—	31.81	22.26	19.77
Off-site post-intervention	—	53.27	43.85	48.03
Off-site uplift delivered	—	21.46	21.59	28.26
Net unit change	—	+2.14	+2.27	+10.70
Net percentage change	—	+11.09%	+11.75%	+60.94%



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Sources: headline results sheets of both workbooks; LEMP P04 Table 1; LEMP P01 Table 1. Every changed assumption in the right-hand column reduces what must be delivered or increases what counts as delivered.

The LEMP's table was edited, not recalculated

- 5.2 Setting the two LEMP tables side by side shows that the seven retained parcels carry forward unchanged – the same areas, the same phosphorus readings, the same baseline units and the same post-enhancement units. Only the Victoria Park row is new.

Table 3 – Parcel figures across the two LEMPs and the submitted workbook

Parcel	Area (ha)	Apr 2025 base → post	Aug 2026 base → post	Workbook base → post
Briery Leaze Road 1	0.0630	0.43 → 0.78	0.43 → 0.78	0.38 → 0.95
Briery Leaze Road 2	0.1215	0.84 → 1.49	0.84 → 1.49	0.73 → 1.83
Briery Leaze Road 3	1.0921	7.54 → 13.43	7.54 → 13.43	6.55 → 16.41
Eastville Park 4	0.5589	7.71 → 8.92	7.71 → 8.92	6.71 → 9.34
Eastville Park 5	0.1170	1.61 → 1.87	1.61 → 1.87	1.40 → 1.95
Newbridge Road 4845	0.1270	0.58 → 1.41	0.58 → 1.41	0.51 → 1.41
Ridgeway Playing Fields	0.0730	0.50 → 0.90	0.50 → 0.90	0.44 → 1.10
Victoria Park (new)	1.5272	—	3.05 → 15.05	3.05 → 15.05
Total	3.6797	31.81 → 53.27	22.26 → 43.85	19.77 → 48.03

Victoria Park is the only parcel on which the LEMP and the workbook agree, because it is the only one entered fresh and at moderate condition. Newbridge agrees on the post-enhancement figure for the same reason.

- 5.3 The consequence is that the LEMP's Table 2 is not a statement of what the submitted workbook calculates. It is a residue of the superseded scheme. The site numbering betrays the same thing: the LEMP refers to Newbridge Road as 'site 2' and to Eastville 'sites 4 and 5', numbering that makes sense only against the April 2025 scheme, in which Newbridge had two parcels and Eastville five.

Errors the workbook itself reports

- 5.4 Independently of the reconciliation, the submitted workbook is not in a state in which it can



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be relied on:

- **Sheets A-2 and A-3 are empty**, so no on-site post-intervention habitat has been entered. The workbook records 2.563 ha lost against 0 ha created and reports 'Error – area created does not equal area lost'. The LEMP states that 2.56 ha of artificial unvegetated, unsealed surface will remain; that habitat scores zero units but must be entered for the area to balance. (Q7)
- **The off-site references do not match between sheets**. The baseline sheet reads 'Briery Leaze Road Site 1/2/3'; the enhancement sheet reads 'Briery Leaze Site 1/2/3'. The workbook matches gain sites on that text and so treats them as six sites: three carrying a baseline and no gain, which return 'Error – gain sites must be positive' three times, and three carrying 19.18 units of gain against a nil baseline. (Q8)
- **No project metadata is recorded**. Planning authority, project name, applicant, application reference, assessor, reviewer, calculation iteration and date of completion are all blank; the workbook raises its own warning, and the absent project name is why an error value appears in the header of every sheet. The April 2025 calculation named its assessor. (Q9)

5.5 We note that the Council has previously had to correct a biodiversity calculation for this scheme. A disclosed metric reported an 11.39% net gain; three offset sites were missing from it, and correctly accounted the same calculation showed a 2.74% net loss. The Council accepted that 'the metric is out of date' and produced a replacement on 24 April 2025 giving 21.47 units. That correction followed external scrutiny rather than internal review. The workbook now before the Council has no identified author and again fails to reconcile with the document it accompanies.

6. What the outcome turns on

6.1 Because the parcel inputs are all available, the calculation can be rebuilt and each assumption tested on its own. Our reconstruction reproduces the LEMP's stated total to within 0.03 units, which gives us confidence in the method. It is set out in Appendix A.

6.2 The result is striking. Compliance does not turn on strategic significance. It turns on the condition the created meadow is assumed to reach.

Table 4 – Delivery under internally consistent assumptions

Internally consistent scenario	Uplift	Requirement	Result
At moderate condition – the standard in the approved plan, the environmental statement, the April 2025 metric and this LEMP			
Strategic significance low (1.0) throughout	18.35	19.32	-0.97
Strategic significance medium (1.1) throughout – as approved	20.18	21.25	-1.07



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Internally consistent scenario	Uplift	Requirement	Result
Strategic significance high (1.15) throughout	21.10	21.25	-0.15
At good condition – assumed by the submitted workbook alone			
Strategic significance low (1.0) throughout	26.91	19.32	+7.59
Strategic significance high (1.15) throughout	30.95	21.25	+9.70
As submitted			
LEMP – high Strategic significance, moderate condition, Victoria Park baseline at low	21.59	21.25	+0.34
Workbook – low Strategic significance at baseline, high after, good condition on 6 of 8	28.26	19.32	+8.94

Bristol Tree Forum calculation; method at Appendix A. The requirement is 21.25 units where on-site strategic significance is medium or high, and 19.32 where it is low.

- 6.3 At moderate condition the scheme falls short on every consistent treatment of strategic significance, including the medium classification the Council itself approved. The only two rows that pass are the two submitted ones, and each passes by combining assumptions that are not consistent with one another.
- 6.4 Moderate is the standard specified in the approved biodiversity net gain plan; in the environmental statement for 25/10013/P, which describes the receptor sites as enhanced to lowland meadow ‘in moderate condition’; in the April 2025 metric, where all nineteen parcels are set to moderate; and in this LEMP, which requires the grassland to ‘meet moderate habitat condition, as set out in the Statutory Metric Condition Assessment’ and writes its monitoring criteria accordingly.
- 6.5 The upgrade to good condition on six of the eight parcels appears for the first time in the workbook now submitted, is not reflected in the LEMP that accompanies it, is not supported by any stated change in the management prescriptions, and is the assumption on which the application's compliance depends. It also carries a practical consequence: the sites could be monitored against the LEMP's moderate-condition criteria, found compliant, and signed off while sitting a full condition band below what the metric has counted. (Q6)

7. Strategic significance

- 7.1 Strategic significance is not a legal requirement – it is a parameter within the metric. But it cannot be omitted: every row requires a value, and ‘low’ is a choice rather than an omission.



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Three distinct problems arise.

The on-site downgrade

- 7.2 The approved plan classified the on-site habitats as medium, with reasoning. The April 2025 metric kept that. The submitted workbook reclassifies them as low, reducing the baseline from 19.32 to 17.56 units and the stated requirement from 21.25 to 19.32. No justification is given anywhere in the application. The effect is to reduce the applicant's own obligation by 1.93 units. (Q2)

The off-site asymmetry

- 7.3 In April 2025 all nineteen parcels were classed high at baseline and after enhancement – consistent, and therefore neutral in effect. The submitted workbook sets all eight baselines to low while setting six of the eight post-intervention rows to high, leaving Eastville Park at low at both ends without explanation. The parcels have not moved. Applying a higher multiplier to the post-intervention habitat than to the baseline of the same land inflates the uplift by approximately 1.75 units. (Q5)
- 7.4 The LEMP repeats the error within a single row. Victoria Park's baseline is stated as 3.05 units, which is the figure at low significance; its post-enhancement figure of 15.05 units reproduces only at high. Corrected either way, the LEMP falls below the requirement: 21.13 units if Victoria Park is treated as high throughout, or 19.62 units if low throughout. The stated margin of 0.34 units exists only because the two halves of that one row use different multipliers.

Against which strategy?

- 7.5 The categories turn on whether a location is 'formally identified in local strategy'. The approved 2023 plan reasoned the point before any such strategy existed. The West of England Local Nature Recovery Strategy – the first in the country and covering Bristol – was published on 7 November 2024, between that assessment and this one. Neither the April 2025 nor the August 2026 workbook cites it, for the impact site or for any receptor parcel.
- 7.6 The high-significance claims on six park parcels are therefore unevidenced. And the on-site downgrade runs against the grain of what publication of a local nature recovery strategy would ordinarily do, which is to bring sites within a strategy rather than remove them from one – particularly where the habitat lost is described in the Council's own officer report as a Bristol Biodiversity Action Plan priority habitat. Whichever answer is correct, the same test must be applied to the impact site and the receptor sites, and to baseline and post-intervention alike. (Q4)

8. Time lag between loss and gain

- 8.1 The 'delay in starting habitat enhancement' field is blank on all eight parcels, as it was on all nineteen in April 2025. Every parcel is therefore priced as though enhancement begins at the moment the metric is run. Nothing in the pack supports that assumption.
- 8.2 The environmental statement for 25/10013/P, dated October 2024, records that the site 'has undergone enabling works comprising remediation, structural fill and installation of utilities



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infrastructure’ and that the open mosaic habitat ‘was cleared during the enabling works.’ The loss had therefore occurred by late 2024. The LEMP’s own programme still shows implementation in 2025, a date now in the past, and this application was not made until August 2026. No completion certificate for the structural fill works appears in the pack, so the three-month period in conditions 5 and 6 cannot be checked. (Q13)

- 8.3 Pricing the interval between loss and gain is the purpose of the temporal multiplier. The margin cannot absorb it:

Table 5 – Effect of delay on delivery, on the LEMP’s own basis

Delay entered	Uplift delivered	Against 21.25 units
None – as submitted	21.59	+0.34
One year	20.82	-0.43
Two years	20.11	-1.14
Three years	19.42	-1.83
Two years, and Newbridge Road seeded in year six	19.96	-1.29

Bristol Tree Forum calculation; method at Appendix A.

- 8.4 A single year of delay exhausts the margin. On any realistic start date the scheme no longer meets the approved requirement – and that is before the separate deferral at Newbridge Road, where the LEMP provides for three years of nutrient stripping, yellow rattle in year three, two further years of cut-and-collect, and wildflower seeding only in the spring of year six. No delay is entered for that parcel either. (Q11, Q12)

9. Resourcing

- 9.1 Condition 6 requires the LEMP to show how management of the habitat ‘will be resourced and monitored for 30 years.’ Across the LEMP, the Landscape Specification and the covering letter, the only sums that appear are the £309 application fee and the cost code to which it is recharged. There is no budget, no bill of quantities, no schedule of rates, no annual cost per parcel and no ecologist fee for the nine monitoring years. The specification is written but never priced.
- 9.2 A figure exists. In response to requests for information the Council confirmed an agreed offsetting payment under this permission of £1,582,057.38, to be paid – in its own words, internally – to ‘Bristol City Council’s in-house Parks and Green Spaces service to deliver the ‘LEMP’, anticipated by the end of April 2025. It declined to confirm a payment date or that the payment had been made. That figure appears nowhere in the application. (Q14, Q15)



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Table 6 – The agreed payment, expressed against the scheme

Basis	Amount	Note
Agreed offsetting payment	£1,582,057.38	Confirmed by the Council
Per habitat unit delivered	£73,300	Against 21.59 units
Per hectare – April 2025 scheme (4.21 ha)	£375,700	Scheme the sum was agreed against
Per hectare – this scheme (3.68 ha)	£429,900	Smaller area, no soil intervention
Annualised across thirty years	£52,700 / yr	Establishment and monitoring included

Bristol Tree Forum calculation from the Council's confirmed figure and the scheme areas.

- 9.3 The sum was agreed against the superseded nineteen-parcel scheme, in which ten parcels required topsoil mixing – the most expensive element, and the reason those sites were dropped. This scheme is half a hectare smaller and requires no soil intervention at any parcel, and should cost materially less to deliver. Whether the payment has been revised, and if not what the balance is committed to, is not addressed. (Q16)
- 9.4 Nor does anything acknowledge that the proposed regime costs more than the amenity mowing these parcels receive now. Cut-and-collect with arisings removed, monthly weeding visits through three growing seasons, and periodic ecological survey are all additional. The LEMP's site selection criteria expressly weighed 'existing maintenance activities', so the question was before the authors.

10. Securing the obligation for thirty years

The circularity

- 10.1 Bristol City Council is the applicant, the landowner, the land manager, the funder, the payee and the local planning authority. The delivery contractor is also in-house. Six roles in one legal person.
- 10.2 Section 8 of the LEMP is the whole of the applicant's answer. It assigns responsibility to Parks and Greenspaces and states that 'any transfer of land and/or management agreements' are 'to include clauses and/or conditions for commitments to undertake the management prescriptions for the 30-year period'. That is an intention to create an obligation later, conditional on transfers that may never occur. No agreement, undertaking or covenant is executed, drafted or appended. The section is reproduced word for word from the April 2025 LEMP, as is the whole of the monitoring section; nothing has been added in the intervening year.
- 10.3 An internal recharge between two departments of one authority is a budget transfer, not a



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security. It is not held by any other party, is not subject to any covenant, is not evidenced as ring-fenced, and is reversible by the body that made it at any time. The covering letter illustrates how routine the device is: the £309 application fee is settled the same way. (Q17)

- 10.4 The contractual obligations also stop long before year 30. Specification clause 105A sets the maintenance duration for the four overseeding parks at three years and clause 105B sets Newbridge Road at five; clauses 610 and 650 run only until practical completion. Years 4 to 30 – the period in which a meadow is made or lost – rest on nothing but an unfunded intention revisited annually against an unsecured revenue budget. (Q18)

What would actually secure it

- 10.5 A planning obligation under section 106 is the normal instrument, and is unavailable while everything stays within the Council, because a local planning authority cannot covenant with itself. The condition remains enforceable in principle, but enforcement means the Council serving notice on itself, and no third party has standing to compel it.
- 10.6 There is an established answer, which we understand the Council has accepted in principle. Section 101(1)(b) of the Local Government Act 1972 permits an authority to arrange for the discharge of any of its functions by another local authority. Bristol delegates its local planning authority functions in respect of its own biodiversity net gain land to a neighbouring authority; Bristol then enters a section 106 agreement as covenanting landowner, with the other authority acting as local planning authority and taking on monitoring and enforcement. That produces two separate legal persons, binds the land and its successors, and places enforcement with a body having no interest in overlooking a breach.

Table 7 – Mechanisms and what each is worth

Mechanism	What it secures	Viable here
Section 106 with itself	Binds land and successors; enforceable by the LPA	No – cannot covenant with itself
The condition alone (current position)	A duty owed by the Council to itself	Weak – self-enforcement
Earmarked reserve for the payment	An accounting ring-fence	Weak – reversible by resolution
Section 101(1)(b) delegation plus section 106	Bristol covenants as landowner; another authority acts as LPA, monitors and enforces. Two legal persons; binds successors; fullest enforcement powers	Yes – reportedly agreed in principle
Conservation covenant	Deed for a conservation purpose; local land charge;	Yes – used by the



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Mechanism	What it secures	Viable here
with an independent responsible body	binds successors; enforceable by a separate person	Council on the adjacent consent
Transfer or lease to a special purpose vehicle	The vehicle becomes the covenanting party	Possible, resource-intensive
Thirty-year management contract with an external body	A counterparty with real obligations and a funded route	Yes – also answers deliverability

On the delegation route, section 101(4) provides that an arrangement does not prevent the delegating authority from continuing to exercise the function itself, so the arrangement must be drawn so that oversight genuinely rests elsewhere. On the covenant route, local authorities may themselves be designated responsible bodies, so the body must be independent of the Council or the circularity reappears.

- 10.7 Every mechanism that works introduces a party outside the Council. Everything else is the Council promising itself. Since the Council appears already to accept this, the absence of any such arrangement from the submitted documents is the more striking. (Q19-Q23)

A related exposure

- 10.8 Because this permission is exempt, the nine parcels are not entered on the biodiversity gain sites register – the mechanism that exists to prevent one enhancement being counted twice. Nothing publicly records that this meadow is committed to 22/06015/FB. As matters stand there is no visible obstacle to the same parcels being allocated, or units sold from them, as off-site gain for a future development: the habitat would be created once and counted twice. A registered covenant, or at minimum a local land charge and a public record of the allocation, would close that. (Q24)
- 10.9 We note that application 25/10013/P was made in January 2025 and is subject to mandatory biodiversity net gain, and that its environmental statement asserts that the enabling-works loss ‘has been compensated through an offsetting payment’. On the evidence, that payment is the internal transfer described above, made to fund parks work that had not then begun and has still not begun. No units were purchased, no gain site was registered and no habitat was created. Describing the loss as already compensated overstates the position materially, in a live application whose own assessment depends on it. (Q25)

11. The parks, and those who use them

- 11.1 Nine parcels of public park are to be committed to a thirty-year management regime. The scale is not trivial:



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Table 8 – What is committed, by park

Park	Parcels	Area (ha)	Share	Recorded in the LEMP
Victoria Park	2	1.527	41.5%	Victorian origin; housing fronting three sides; ‘well used recreationally’
Briery Leaze Road	3	1.277	34.7%	Popular with dog walkers; traditional orchard nearby
Eastville Park	2	0.676	18.4%	East of the main park; woodland boundaries
Newbridge Road Open Space	1	0.127	3.5%	Within the Avon Valley Conservation Area
Ridgeway Playing Fields	1	0.073	2.0%	‘High recreational value’; a public right of way crosses the site

Victoria Park and Briery Leaze Road together account for 76% of the off-site area. Victoria Park alone carries 15.05 of the claimed units.

- 11.2 An application for approval of details reserved by condition attracts no site notice, no neighbour notification, no press advertisement and no right to comment. The parent permission was publicised in 2022-23, but as engineering works at a former diesel depot in Brislington, at a time when no off-site sites had been identified. The first list appeared in the biodiversity net gain plan of October 2023; the present list appeared in August 2026. Victoria Park, the largest parcel, has appeared in no publicised document at any stage.
- 11.3 The applicant's own selection criteria include ‘Community and social impact: Community engagement, public perception, existing recreation’. The entire evidence of it in the pack is one clause: that at Victoria Park ‘the local community group are keen to create meadow areas at this location within the park’. No group is named, no date given, no record appended, and nothing at all is offered for Briery Leaze, Eastville, Newbridge Road or Ridgeway. (Q26, Q27)
- 11.4 The applicant plainly regards the matter as sensitive. The covering letter abandons the previous scheme partly because the works would be ‘extremely disruptive to the park environments, park users, and local residents’; the LEMP records that public perception of visual impact was ‘a key consideration’ in choosing the strategy, and that weed suppressant was ruled out on visual grounds. Park users' interests were decisive in dropping ten parcels. They are unevicenced for the eight retained and the one added.
- 11.5 Nothing in the documents states how any of the five parks is held. Land acquired for public recreation under section 164 of the Public Health Act 1875 or the Open Spaces Act 1906 is held on statutory trust for the enjoyment of the public, and in *Day v Shropshire Council* the Supreme Court confirmed that such a trust is a material consideration which a planning



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authority must take into account, going to the validity of the decision. Committing trust land to a thirty-year obligation constrains the authority's future management of it. At minimum, the decision record should show the point was considered. (Q28)

- 11.6 This is not merely a matter of fairness, although it is also that. A thirty-year regime on well-used parkland survives only if those using it accept it. Where they do not, it is not formally revoked; it reverts quietly to amenity mowing, and the failure surfaces only at a monitoring year, if then. Evidenced acceptance is therefore part of the deliverability that condition 6 requires – and the Council has already abandoned one scheme on park-user grounds, which is the strongest available demonstration that acceptance is an important consideration here.

12. The documents themselves

- 12.1 The pack is not in a state in which conditions should be discharged.

- **Revision and status.** The covering letter attaches 'LEMP P03-FINAL'. The document supplied is marked P01, described as a draft, and is unsigned in its verification table. (Q29)
- **Authorship.** The approved April 2025 LEMP was produced by Ove Arup and Partners Limited under job number 299444, with the usual consultant reference and third-party reliance disclaimer, and its metric named an assessor. The version submitted is an in-house document prepared, checked and approved within the same Council team, with no ecologist named and no assessor recorded on the workbook. Arup's name has been removed while its work has not: the LEMP still calls up drawings 299444-ARP-XX-DR-LM-0107 to 0114 and cites the specification as 299444-ARP-XX-SP-LM-0003, and specification clause 940 still cites the LEMP as 299444-ARP-XX-RP-EC-0001, which is the reference of the April 2025 document. We make no criticism of work being brought in-house; but condition 5 turns on a technical judgement about habitat units, and the file should record who made the changed judgements and on what basis. (Q9, Q30)
- **References.** The Landscape Specification bears PD2025-001-BCC-XX-SP-LM-0001 revision P01 dated 13 August 2026 on its cover and 299444-ARP-XX-SP-LM-0003 revision P03 dated 26 May 2026 in its running footer. Its contents page is mis-paginated. (Q30)
- **Missing drawings.** The seven landscape enhancement plans listed in the covering letter are not among the documents made available. The application cannot properly be assessed without them. (Q31)
- **Programme.** Tables 3 and 4 schedule implementation in 2025, aftercare in 2026 and maintenance from 2027 and 2032, and run the thirty-year period from 2025 – the April 2025 dates carried over unchanged. Condition 6 measures thirty years from completion of the development. (Q32)
- **Internal conflict.** Specification clause 650 sets the first cut of the first growing season at July/August; LEMP section 5.1.3 sets a March/April first cut followed by cuts every two months to June/August.

13. Conclusions and what we ask

- 13.1 Our primary position is that conditions 5 and 6 cannot properly be discharged on the



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documents submitted. The application does not demonstrate that the full habitat unit requirement approved under 23/04188/COND has been secured; it contains two irreconcilable calculations and three different net gain figures; the calculation it relies on is unattributed, carries four unresolved error flags, and depends on a condition assumption that appears nowhere else in the evidence; no delay has been priced in, and on any realistic start date the scheme does not meet the approved requirement; and neither the resourcing nor the securing limb of condition 6 is answered at all.

- 13.2 We ask that the Planning Authority:
- 13.3 refuse to discharge the conditions on the current documents, or defer determination until a corrected and internally consistent calculation, a costed and funded LEMP, and an executed securing mechanism have been submitted and made available for inspection;
- 13.4 require the calculation to be reconciled to the approved requirement of 21.25 units, with strategic significance applied consistently, the target condition aligned with the LEMP's own monitoring standard, delay entered on every parcel, and the workbook's own errors corrected and its authorship recorded;
- 13.5 require the offsetting payment of £1,582,057.38 to be stated in the LEMP with the costing behind it, confirmation of whether and when it was paid, and whether it has been revised for the reduced scheme;
- 13.6 require an executed securing mechanism introducing a party outside the Council – whether the section 101(1)(b) delegation the Council is understood to have accepted in principle, a conservation covenant with an independent responsible body, or an equivalent – before the conditions are discharged;
- 13.7 require evidence of engagement with park users at each of the five parks, and a statement of how each park is held and whether any parcel is subject to a statutory trust for public recreation;
- 13.8 determine the application at committee rather than under delegated powers, with the view of the Nature Conservation Officer recorded on the changes of metric, strategic significance and target condition; and
- 13.9 confirm that monitoring reports will be placed on the public file and formally accepted or rejected by the local planning authority in each monitoring year.
- 13.10 We should be glad to discuss any part of this representation, and to make our calculations available in full to the Council's officers.



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Appendix A – Method of our reconstruction

- A.1 We set out our method so that the Council and the applicant can check it. All inputs are taken from the submitted workbook's own sheets; no figure is invented or substituted.
- A.2 For each parcel we take the area, baseline distinctiveness score and baseline condition score from sheet D-1, and the proposed habitat (lowland meadows, distinctiveness 8) from sheet D-3.
- A.3 Enhancement units are calculated as the metric calculates them – risk multipliers applied to the uplift rather than to the whole: $\text{units} = B + (P - B) \times T \times D$, where B is the baseline units recomputed at the post-intervention strategic significance multiplier, P is the post-intervention units before risk (area $\times$ 8 $\times$ condition score $\times$ strategic significance), T is the temporal multiplier and D the difficulty multiplier.
- A.4 We use the multipliers the workbook itself uses: temporal 0.965 raised to the power of the years to target condition (0.7003 at ten years for moderate, 0.5860 at fifteen for good), and difficulty 0.67 for medium difficulty of enhancement. Delay is modelled by adding years before the temporal multiplier is applied, which is how the metric's delay field operates.
- A.5 Validation: applying strategic significance 1.15, moderate target condition and ten years to target reproduces the LEMP's published Table 2 figures for all eight parcels and a total of 43.84 units against the published 43.85, a difference attributable to rounding in the published table. Applying the workbook's own mixed assumptions reproduces its 48.03 units. We are therefore satisfied the model matches both documents.
- A.6 Table 4 varies one assumption at a time from that validated base. Table 5 varies only the delay. The requirement against which each scenario is measured is 21.25 units where on-site strategic significance is medium or high, and 19.32 units where it is low, consistent with the applicant's own approach of taking the baseline and adding ten per cent.
- A.7 We have not sought to re-survey any parcel, to re-assess habitat condition, or to check the areas, which we have taken as given. Our analysis is confined to the arithmetic and to the internal consistency of the documents.

Documents relied on: decision notice and delegated officer report for 22/06015/FB; 23/03424/NMA; biodiversity net gain plan approved under 23/04188/COND; LEMP P04 (23 April 2025) and Metric 3.1 calculation submitted with 25/12034/COND; covering letter, LEMP P01 (13 August 2026), Landscape Specification and biodiversity metric workbook submitted with 26/13497/BGP; Environmental Statement Volume 2 Appendix 11.4 (October 2024) for 25/10013/P; biodiversity gain plan approved under 25/11339/COND; and the Council's responses to four requests for information published on WhatDoTheyKnow, dated 20 March 2025, 23 April 2025, 1 May 2025 and 13 June 2025.