22/00632/PB | Bristol City Council Depot Dovercourt Road Bristol BS7 9SH

Application for Outline Planning Permission for up to 140 residential dwellings. All matters except means of access to the site reserved.

Summary

1. The city has declared climate and ecological emergencies and pledged to become carbon neutral by 2030 and double tree canopy cover by 2046. But all this is meaningless unless we take every opportunity we can to deal with these emergencies and achieve these pledges – now, and in specific ways.
2. It is not good enough to assert that the need for more housing takes precedence over all else. The National Planning Policy Framework is clear that the importance of green Infrastructure as one of three overarching, interdependent objectives – economic, social and environmental – has equal status to the other two objectives. Furthermore, there is no reason why developments cannot incorporate existing trees as BCS9 requires.
3. The applicant has failed to demonstrate that it has considered the Mitigation Hierarchy: Avoid, Minimise, Remediate, Compensate. This provides a cascading decision-making process in which only if the preceding choice is unavailable is the next one considered.
4. Likewise, no attempt appears to have been made to comply with BCS9 – Green Infrastructure, which states that 'Individual green assets should be retained wherever possible and integrated into new development.' Instead, the applicant has moved straight on to the provisions of DM17: Development Involving Existing Green Infrastructure, which allow for replacement trees to be provided 'where tree loss or damage is essential to allow for appropriate development', even though they have not shown that the removal of trees is indeed 'essential'.
5. There is little evidence that DM15: Green Infrastructure Provision has been considered or applied.
6. Even if the removal of trees were shown to be 'essential' and 'Compensate' was the only option left after the previous requirements of the Mitigation Hierarchy have been exhausted, there is no realistic prospect that any of the trees lost will ever be replaced offsite. As a result, these proposals fail because they do not comply with planning policies, in particular with DM17: Development Involving Existing Green Infrastructure.

The background

This site is a former council depot and storage facility bordered by residential housing to the west, an allotment to the north, a tree-lined railway to the east and an industrial estate and woodland to the south. A stream and a wildlife corridor run through the woodland area.

The planning context – see Appendix 1.

The biodiversity net gain calculation

We have little to add to the Biodiversity Net Gain Report[1], except for the following:

1. The biodiversity metric calculation ought to be updated to Biodiversity Metric 3.0 (BNG 3.0), which came into force within weeks of the survey being undertaken in May 2021 and before the application was issued. There have been significant changes to the way that habitats are valued and assessed, especially for trees growing in an urban setting - Urban *Tree* habitats are given a much higher habitat value than the *Urban – Street Tree* habitat used in BNG 2.0 and *Line of Tree* habitats in urban environments should now be treated as area habitats under BNG 3.0, not as linear habitats – see Valuing our urban trees – part III.
2. Notwithstanding this, we have transcribed the data contained in the applicant's BNG 2.0 calculation into the BNG 3.0 calculator. These are the only changes we have made:
    a. The only habitat that does not translate like-for-like is *Urban - Amenity grassland*. We have used the *Urban - Ground based green wall* habitat instead because it has the same Distinctiveness (Low) as *Urban - Amenity grassland* which is no longer available.
    b. We have factored in a three-year delay for habitat creation and enhancement while development takes place.
3. Save for these two changes, we have retained all the original parameters. The headline results for this exercise are shown at **Appendix 2**. Whilst our calculation shows a small increase in habitat unit percentages – 12.39% from 12.09% - River units have reduced from 16.82% to 14.04% and the trading rules for the high distinctiveness habitats (the enhanced Woodland and forest habitats) have not been met. This needs to be addressed. Hedgerow and River.
4. The proposals to enhance the Woodland and forest (and river) habitats (see Appendix F of the revised biodiversity net gain report) will take between 10 and 25 years to realise (called Time-to-Target). Urban Street Tree/Urban Tree habitat creation will take 27 years. Part 7 of the Environment Act 2021[2] is likely to have come into force by the time these proposals take effect. Provision will need to be made for Conservation Covenants to be established; these will identify how and by whom the proposed enhancements will be managed and delivered, and how this will be funded over these delivery timescales. This should be integrated with the Ecological Impact Assessment[3] proposals.
5. The calculation of Urban Street tree/Urban Tree habitats needs to be aligned with the agreed calculation of the replacement trees required under the Bristol Tree Replacement Standard (BTRS) (see below). We note that the calculation assumes that 50 Medium-sized (Standard) trees will be planted on site. The applicant's Arboricultural Impact Assessment[4] (AIA) calculates that 159 replacement trees will be needed. We calculate that 182 replacements will be required. If only 50 trees are planted onsite, then an allowance could be made for the creation of a new Urban Tree habitat off site for the balance, though this will be subject to suitable new tree planting sites being identified and to S106 funds becoming available within a reasonable timescale.
6. Using our calculation, if 132 new medium-sized trees are planted off site, this will create 0.5372 hectares of new off-site habitat after 27 years using either BNG metric. Using BNG

[1] 22_00632_PB-REVISED_BIODIVERSITY_NET_GAIN_REPORT-3178835
[2] https://www.legislation.gov.uk/ukpga/2021/30/part/7/enacted
[3] 22_00632_PB-ECOLOGICAL_IMPACT_ASSESSMENT-3141281
[4] 22_00632_PB-ARBORICULTURAL_IMPACT_ASSESSMENT_AND_TREE_PROTECTION_PLAN-3141263

2.0, this adds 0.90 habitat units. Using BNG 3.0, it adds 1.62 (assuming that the same parameters used for this habitat type on site are applied but with a three-year delay factored in). This would increase the overall Habitat unit net gain of 20.46%. Trees planted in recycled sites should not be treated as new or enhanced habitat because they only are replacing habitat that once existed.

A comparison of the differences between BNG 2.0 & BNG 3.0 baseline and created area habitats is set out in the four tables in **Appendix 3**. The linear habitat enhanced/created are unchanged.

A copy of our BNG 3.0 calculation is available on request.

The potential application of BTRS

The AIA shows that at least 89 trees will be removed to realise these proposals. In addition, some 45 metres of hedging will also be removed. We are unable to say how many trees this represents, so we have adopted the tree replacement count used in the AIA.

We calculate that 182 replacement trees will be needed to replace the trees proposed to be removed (see Table 1 below). We have adopted the BS5837:2012 tree categories and the proposed replacements of hedging lost as per the AIA calculation. As noted, 50 of these replacements will be planted on site. The remaining 132 will need to be planted off site.

Table 1 BTRS Calculation

Tree ID	Tree Category	Tree Count	Trees Removed	DBH (cm)	BTRS Trees
T22	C2	1	1	75	**7**
T24	C2	1	1	18	**1**
T32	C2	1	1	21	**2**
T33	C1	1	1	58	**5**
T34	U	1	1	25	**0**
T38	C2	1	1	75	**7**
T39	U	1	1	35	**0**
T52	C2	1	1	12	**0**
T54	C2	1	1	18	**1**
T55	C2	1	1	22	**2**
T56	U	1	1	18	**0**
T57	B2	1	1	99	**8**
T58	C2	1	1	33	**3**
T314	C2	1	1	28	**2**
T330	C2	1	1	39	**3**
T331	C2	1	1	36	**3**
T332	C2	1	1	36	**3**
T333	C2	1	1	29	**2**

Tree ID	Tree Category	Tree Count	Trees Removed	DBH (cm)	BTRS Trees
T334	U	1	1	21	**0**
T335	C2	1	1	24	**2**
T336	C2	1	1	30	**3**
T360	C2	1	1	30	**3**
T361	C2	1	1	44	**4**
T362	C2	1	1	23	**2**
T363	C2	1	1	19	**1**
T364	C2	1	1	18	**1**
T365	C2	1	1	18	**1**
T366	C2	1	1	18	**1**
T368	C2	1	1	21	**2**
T369	C2	1	1	25	**2**
T370	C2	1	1	38	**3**
T371	C2	1	1	19	**1**
T372	C2	1	1	35	**3**
T373	C2	1	1	19	**1**
T384	U	1	1	40	**0**
T385	C2	1	1	28	**2**
T386	C2	1	1	55	**5**
T387	U	1	1	26	**0**
T388	U	1	1	35	**0**
T389	C2	1	1	23	**2**
T396	C2	1	1	21	**2**
G13	C2	5	5	12	**0**
G14	C2	17	17	15	**17**
G15	U	6	6	20	**0**
G17	C2	12	12	18	**12**
G18	C2	8	8	12	**0**
H2	C2			30	**42**
H17	C2			25	**13**
H18	C2			25	**8**

The applicant has failed to demonstrate how it has applied the Mitigation Hierarchy (see para 3, Appendix 1). There is no mention made of how the application has arrived at these removals – the plans show that most of the trees identified for removal are not growing within the footprints of the proposed buildings, so most of the removals seem to be for aesthetic reasons.

DM17: Development Involving Existing Green Infrastructure states that 'Where tree loss or

damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided'. The mechanism for achieving this is called the Bristol Tree Replacement Standard (BTRS).

The obligation imposed by DM17 to provide 'replacement trees of an appropriate species' falls wholly on the applicant. This obligation cannot be considered discharged unless the applicant has identified suitable new planting sites. Merely signing a S106 agreement to pay for the replacement trees to be planted off site does not discharge the applicant's obligations under DM17.

Whilst we estimate that there are 94 tree planting sites currently available within a mile of the site,[5] they are all sites where a tree once grew. This means that planting in these sites would not replace what will be lost because of this proposal; there will be no net increase in tree cover overall, even if all the other outstanding S106 agreements also 'competing' for these sites are ignored. As a result, this application fails to comply with planning policies BCS9 & DM17.

Bristol Tree Forum
28 March 2022

5 https://bristoltrees.space/trees/home.xq?_path=search/tree&state=Available%20for%20Sponsorship&range=1609&latitude= 51.485006&longitude= -2.574279

Appendix 1 - The planning context

The National Planning Policy Framework (the Framework), the Mitigation Hierarchy and Bristol's core planning policies, BCS9 – Green Infrastructure, DM15: Green Infrastructure Provision and DM17 Development Involving Existing Green Infrastructure - the local policies upon which the goals of the Framework may be achieved – are set out below. This is the case whether the relevant sections of the Environment Act 2021 (EA 2021) have been enabled by the time this application is decided or not.

1. The National Planning Policy Framework

This Framework seeks to ensure that new development is sustainable. It stresses the importance of green Infrastructure as one of three overarching, interdependent objectives – economic, social and environmental. This means that sustainable environmental development is no less important than the economic and social development objectives.

The whole emphasis of the environmental objective has become much more imperative with the publication of the latest version of the Framework last July. It now reads:

> ***an environmental objective*** *– to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

The status of habitat and biodiversity has also been given greater emphasis. Paragraph 181 c) now makes it clear that:

> *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

2. Biodiversity Net Gain

With the recent publication of Biodiversity Metric 3.0[6] (BM3.0), a new way of measuring and accounting for biodiversity losses and gains resulting from development or land management change has been adopted. The biodiversity metric defines Net Gain as an:

> *… approach to development that aims to leave the natural environment in a measurably better state than beforehand. This means protecting existing habitats and ensuring that lost or degraded environmental features are compensated for by restoring or creating environmental features that are of greater value to wildlife and people. It does not change the fact that losses should be avoided where possible, a key part of adhering to a core environmental planning principle called the mitigation hierarchy.*

When the EA 2021 takes effect most planning applications will be required to achieve at least a 10% net gain of a site's baseline biodiversity.

[6] http://publications.naturalengland.org.uk/publication/6049804846366720

3. The Mitigation Hierarchy

The hierarchy means that mitigation options regarding potential damage to biodiversity should be applied iteratively in order of preference, where any adverse environmental effects should firstly be avoided, then minimised, mitigated, and only as a last resort, with clear justification, compensated for; but enhancement must be secured wherever possible.[7] See also the British Standard for Biodiversity (BS 42020: 2013)[8].

4. Local planning policies

Local Planning Authorities have a duty to consider both the protection and planting Green Infrastructure when considering planning applications. The potential impact of development on biodiversity is therefore a material consideration. These are the key planning policies which relate to this application.[9]

a. BCS9 – Green Infrastructure

BCS9 states that 'Individual green assets should be retained wherever possible and integrated into new development.'

When considering any planning proposal, the planning authority must ensure that:

- the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced.
- opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network are taken.
- individual green assets are retained wherever possible and integrated into new development.
- appropriate mitigation of the lost green infrastructure assets is required.
- development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size.
- where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.

b. DM15: Green Infrastructure Provision

The provision of additional and/or improved management of biodiversity will be expected as part of the landscape treatment of new development. The design, size and placement of habitats provided as part of the landscape treatment will be expected to take practicable opportunities to:

- connect the development site to the Strategic Green Infrastructure Network, and/or Bristol Wildlife Network
- assist in reducing or mitigating run-off and flood risk on the development site
- assist in providing shade and shelter to address urban cooling

[7] https://www.rtpi.org.uk/media/1563/biodiversityinplanningpracticeadvice2019.pdf page 20.
[8] BS 42020:2013 British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013)
[9] https://www.bristol.gov.uk/documents/20182/34540/Core+Strategy+WEB+PDF+(low+res+with+links)_0.pdf.

- create a strong framework of street trees to enclose or mitigate the visual impact of a development.

c. DM17: Development Involving Existing Green Infrastructure

DM17 also recognises the importance of habitats which are considered valuable multifunctional green infrastructure assets - and makes provision for their preservation and replacement.

d. Policy DM19: Development and Nature Conservation

Bristol contains a wide range of important nature conservation sites that contribute to a varied stock of natural habitats and species. The city has two sites of international importance. One is the Avon Gorge SAC.

DM19 makes it clear that Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

i. Be informed by an appropriate survey and assessment of impacts; and

ii. ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and

iii. iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site. Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided.

The proposed development is also on an SNCI. DM19 makes it clear that development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.

Appendix 2 – BNG 3.0 Headline Results

Without off-site Urban Tree habitat creation

Dovercourt Depot

Headline Results

Return to results menu

On-site baseline	*Habitat units*	20.10
	Hedgerow units	0.88
	River units	4.14
On-site post-intervention (Including habitat retention, creation & enhancement)	*Habitat units*	22.59
	Hedgerow units	2.15
	River units	4.72
On-site net % change (Including habitat retention, creation & enhancement)	*Habitat units*	12.39%
	Hedgerow units	143.96%
	River units	14.04%
Off-site baseline	*Habitat units*	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	*Habitat units*	1.62
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	4.11
	Hedgerow units	1.27
	River units	0.58
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	20.46%
	Hedgerow units	143.96%
	River units	14.04%
Trading rules Satisfied?		**No - Check Trading Summary**

Trading Summary

Distinctiveness Group	Trading Rule	Trading Satisfied?
Very High	Bespoke compensation likely to be required	Yes
High	Same habitat required	No
Medium	Same broad habitat or a higher distinctiveness habitat	Yes
Low	Same distinctiveness or better habitat required	Yes

Appendix 3 – BNG 2.0 & 3.0 Baseline Habitat comparisons

BNG 2.0 Baseline Habitats	Area (ha)	Habitat Units
Grassland - Other neutral grassland	0.11	0.48
Heathland and shrub - Mixed scrub	0.05	0.46
Heathland and shrub - Mixed scrub	0.43	1.98
Sparsely vegetated land - Ruderal/Ephemeral	0.15	0.30
Urban - Developed land; sealed surface	0.11	0.00
Urban - Developed land; sealed surface	1.85	0.00
Urban - Vacant/derelict land/ bareground	0.18	0.36
Woodland and forest - Lowland mixed deciduous woodland	0.55	8.35
Woodland and forest - Lowland mixed deciduous woodland	0.02	0.30
Woodland and forest - Wet Woodland	0.63	4.78
Grassland - Other neutral grassland	0.03	0.12
Heathland and shrub - Mixed scrub	0.05	0.46
Woodland and forest - Lowland mixed deciduous woodland	0	0.00
Woodland and forest - Wet Woodland	0.54	4.10
	4.7	21.69
BNG 2.0 Hedgerow type	**Length (km)**	**Hedgerow Units**
Line of Trees	0.09	0.20
Line of Trees	0.31	0.68
	0.40	0.88
River type	**length KM**	**River Units**
Rivers & Streams (Other)	0.3	4.14

Table 2 BNG 2.0 Baseline habitats

Broad habitat	BNG 3.0 Baseline Habitats	Habitat Units		BNG Model Differences
Grassland	Other neutral grassland	0.48		0.00
Heathland and shrub	Mixed scrub	0.46		0.00
Heathland and shrub	Mixed scrub	1.98		0.00
Sparsely vegetated land	Ruderal/Ephemeral	0.30		0.00
Urban	Developed land; sealed surface	0.00		0.00
Urban	Developed land; sealed surface	0.00		0.00
Urban	Vacant/derelict land/ bareground	0.36		0.00
Woodland and forest	Lowland mixed deciduous woodland	7.59		-0.76
Woodland and forest	Lowland mixed deciduous woodland	0.28		-0.03
Woodland and forest	Wet woodland	4.35		-0.43

Broad habitat	BNG 3.0 Baseline Habitats	Habitat Units		BNG Model Differences
Grassland	Other neutral grassland	0.12		0.00
Heathland and shrub	Mixed scrub	0.46		0.00
Woodland and forest	Lowland mixed deciduous woodland	0.00		0.00
Woodland and forest	Wet woodland	3.73		-0.37
		20.10		-1.59
BNG 3.0 Hedgerow type		Hedgerow Units		Difference
Line of Trees		0.20		0.00
Line of Trees		0.68		0.00
		0.88		0.00
River Types		River Units		Difference
Other Rivers and Streams		4.14		0.00

Table 3 BNG 3.0 Baseline habitats + differences

BNG 2.0 Proposed habitat	Area (ha)	Habitat Units delivered
Grassland - Other neutral grassland	0.04	0.25
Urban - Bioswale	0.2	0.28
Urban - Developed land; sealed surface	0.42	0.00
Urban - Developed land; sealed surface	1.2	0.00
Urban - Rain garden	0.02	0.04
Urban - Vegetated garden	0.53	1.13
Woodland and forest - Wet woodland	0.27	1.13
Urban - Street Tree	0.2	0.34
Heathland and shrub - Mixed scrub	0	0.00
Urban - Amenity grassland	0.06	0.24
Urban - Extensive green roof	0.18	1.00
	3.12	4.40

Table 4 BNG 2.0 Proposed habitat creation

Broad Habitat	BNG 3.0 Proposed habitat	Habitat Units delivered		Difference
Grassland	Other neutral grassland	0.26		0.02
Urban	Bioswale	0.26		-0.03
Urban	Developed land; sealed surface	0.00		0.00
Urban	Developed land; sealed surface	0.00		0.00
Urban	Rain garden	0.04		0.00
Urban	Vegetated garden	1.01		-0.11
Woodland and forest	Wet woodland	1.31		0.19
Urban	Urban Tree	0.60		0.27
Heathland and shrub	Mixed scrub	0.00		0.00
Urban	Ground based green wall	0.14		-0.09
Urban	Extensive green roof	0.67		-0.33
		4.30		-0.10

Table 5 BNG 3.0 Proposed habitat creation + differences