



21/06878/F | Land at Corner of York Road and St Luke's Road Bedminster Bristol BS3 4AD

Mixed-use redevelopment including 244 residential (C3) units and 655 sq. m. of commercial floorspace (Class E) on ground floor, together with a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works.

Additional comments

We refer to our earlier comments on this matter:

1. <https://bristoltreeforum.files.wordpress.com/2022/02/btf-comments.pdf>.
2. <https://bristoltreeforum.files.wordpress.com/2022/05/btf-further-comments.pdf>.

We make these additional comments with reference to:

- the applicant's revised plans published on 18 July 2022.
- the comments of the LPA's Arboricultural and Nature Conservation Officers, which were prepared on 27 and 23 May respectively but not published until 3 August 2022.

Save for the matters discussed below, our objections to this application remain unchanged.

The revised plans

The applicant's revised softworks landscape plan dated 29 June 2022,¹ now includes a proposal to plant 38 trees on and around the site, instead of the 41 originally proposed. Of these, 17 will be outside the site boundary, on the public footpath along the roads adjacent to the site (Figure 1 below). As these trees will fall within the control of the Council and the Highways Authority, it will be for the Council and the Highways Authority to say whether this proposal is acceptable or viable. So far, neither the Council nor the Highways Authority have commented on whether the proposed locations, numbers and species are acceptable for public street trees.

We are unsure if other previously proposed habitats have been altered, though we note that the proposals for a roof garden are new and do not appear to have been factored into the applicant's original BNG calculations.²

Since the LPA's Arboricultural and Nature Conservation Officers' reports predate this document, it could not have been before them when they were formulating their comments. It is also regrettable that the Nature Conservation officer has not undertaken a critical analysis of the applicant's BNG Metric calculation and seems not to have considered our previous comments on this.

We note however, that the Nature Conservation Officer has advised that any new biodiversity net gain calculation be based on Natural England's Biodiversity Metric BNG 3.1 rather than on BNG 3.0. We have adopted BNG 3.1 for the calculation of Urban tree habitat creation.

We understand that the officers do not intend to amend their comments and that the applicant has no plans to update its arboricultural, environmental or biodiversity evidence. This is despite both the negative comments of the officers (which we endorse) and the fact that the basis of their original biodiversity metric calculations has changed as a result of the reduction in the number of

¹ 21_06878_F-SOFTWORKS_LANDSCAPE_PLAN-3261695

² 21_06878_F-BIODIVERSITY_NET_GAIN_SPREADSHEET-3157722

new trees planned and the introduction of new roof garden proposals.

All the trees and other habitats on site were removed in February 2022. We calculate that 39 new trees will need to be planted under the Bristol Tree Replacement Standard (BTRS) to replace what has been destroyed. As 21 trees will now be planted on site, the other 18 will have to be planted offsite (but see below); in our view, the proposal to plant trees on the public highway around the site is unviable.

We have already observed³ that the obligations imposed by DM17 to provide replacement trees of an appropriate species fall wholly on the applicant. This obligation cannot be considered discharged until the applicant has identified suitable new planting sites. The applicant should be required to identify all the proposed offsite planting sites before their application is approved. Entering into a S106 agreement to pay for the trees to be planted does not discharge the applicant's obligations under DM17.

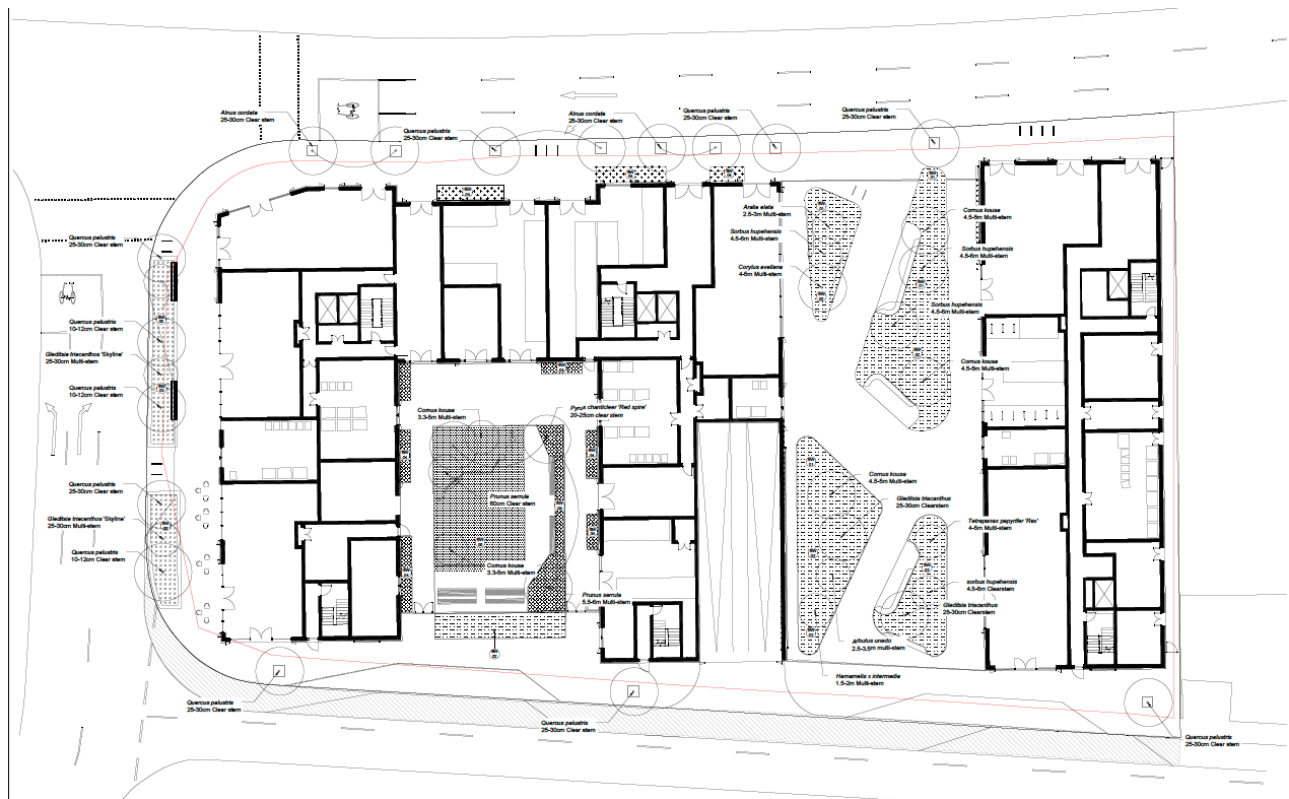


Figure 1 The softworks planting plan - v.2 dated 29/06/2022

It is also notable that the proposals for the basement carpark⁴ will mean that most if not all of the onsite trees will have to be planted in planters isolated from the ground, thereby limiting their ability to reach their full potential and likely longevity. They are, effectively, container plants with none of the habitat value of Urban trees planted directly into the ground and so ought to be treated as *Urban - Ground level planters* habitat rather than as *Urban tree* habitat. No tree planted has a guarantee of survival, but those planted other than in the ground have no chance of

³ See our initial comments - <https://bristoltreeforum.files.wordpress.com/2022/02/btf-comments.pdf>.

⁴ 21_06878_F-BASEMENT_FLOOR_PLAN-3261046, 21_06878_F-RIVER_GARDEN_WALK_SECTION-3117429 & 21_06878_F-COURTYARD_SECTIONS-3117436



survival unless there is a long-term commitment to their maintenance for a period no less than their normal life expectancy.

The same observations apply to the trees proposed to be planted on the roof garden.⁵ As we are unable to comment on these proposals unless and until the applicant produces a new BNG Metric calculation and environmental report to take account of the proposals, we have not factored them in for the purposes of this analysis.

The biodiversity net gain (BNG) analysis

As we have observed, in our view the potential size and stature of the trees makes most of them inappropriate for this site, either on the highway or on site (especially those in planters). Table 1 below is based on information provided by the Royal Horticultural Society.⁶ It also includes details of eventual tree sizes taken from the Trees and Design Action Group (TDAG) document, *Tree Species Selection for Green Infrastructure: A Guide for Specifiers*,⁷ which offers guidance on appropriate species selection for trees in a development setting.

Botanical Name	Base Data			TDAG Sizes	Derived Data			
	Median Final Canopy Spread (m)	Median Maturity Age (yrs)	Tree Count		TCC / RPA r (m)	DBH 30 years after planting (cm)	RPA / TCC (ha)	Total RPA / TCC (ha)
<i>Alnus cordata</i>	6	35	5	Large	3.0	25.0	0.0028	0.0141
<i>Aralia elata</i>	8	15	1	Medium	4.0	33.0	0.0050	0.0050
<i>Arbutus unedo</i>	6	15	1	Small	3.0	25.0	0.0028	0.0028
<i>Betula pendula</i>	6	35	0	No data	3.0	25.0	0.0028	0.0000
<i>Cornus kousa</i>	6	35	5	Small	3.0	25.0	0.0028	0.0141
<i>Corylus avellana</i>	6	15	1	Small	3.0	25.0	0.0028	0.0028
<i>Gleditsia triacanthos</i> & G t 'Skyline'	8	35	4	Large	4.0	33.0	0.0050	0.0201
<i>Populus Tremula</i>	8	35	0	Massive	4.0	33.0	0.0050	0.0000

⁵ 21_06878_F-ROOF_GARDEN_GENERAL_ARRANGEMENT-3261697

⁶ <https://www.rhs.org.uk/plants/>

⁷ <https://www.tdag.org.uk/tree-species-selection-for-green-infrastructure.html>



Botanical Name	Base Data			TDAG Sizes	Derived Data			
	Median Final Canopy Spread (m)	Median Maturity Age (yrs)	Tree Count		TCC / RPA r (m)	DBH 30 years after planting (cm)	RPA / TCC (ha)	Total RPA / TCC (ha)
<i>Prunus serrula</i>	8	35	2	Medium	4.0	33.0	0.0050	0.0101
<i>Pyrus calleryana</i> 'Redspire'	6	35	2	No data	3.0	25.0	0.0028	0.0057
<i>Quercus palustris</i>	8	50	12	Large	3.0	25.0	0.0028	0.0330
<i>Sorbus hupehensis</i>	6	15	4	Small	3.0	25.0	0.0028	0.0113
<i>Tetrapanax papyrifer</i> 'Rex'	6	3.25	1	No data	3.0	25.0	0.0028	0.0028

Table 1 Revised Proposed species analysis

Given our observation that most if not all of the onsite trees will have to be grown in planters, we have assigned the area of 21 Medium-sized trees (0.0855 ha) to *Urban - Ground level planters* habitat with Low distinctiveness and Poor Condition (the only option available) in A-2 Site Habitat Creation tab of the BNG 3.0 metric. In fact, the *Urban - Ground level planters* habitat areas ought to be the actual planter areas rather than the habitat sizes of trees planted in them - which is likely to be overgenerous. This will be adjusted if and when the applicant recasts their BNG Metric calculation.

The BNG 3.1 Trading Rules

Figure 2 below shows the BNG 3.1 Trading Rule for Urban tree habitats:

Trading Rules

7.8. The mitigation hierarchy and trading rules apply to Urban trees. Given Urban trees are a 'Medium' distinctiveness habitat trading rules stipulate that the same broad habitat type (or a higher distinctiveness habitat) is required. However, given the important ecosystem services value provided by trees, where possible 'like for like' compensation is the preferred approach (i.e. where possible any loss of Urban trees should be replaced by Urban trees - rather than other urban habitats).

Figure 2 BNG 3.1 Urban tree habitat Trading Rule

This rule makes it clear that lost Urban tree habitat should be replaced like for like and so cannot be replaced by the creation of other habitat types. It means that the trees planted onsite as *Urban*



- Ground level planters habitat cannot be treated as the replacement of the baseline urban tree habitat which has already been removed.

Because of this, we have assigned all 39 BTRS trees to Medium-sized category (it is Small-sized under BNG 3.1) Urban tree habitat areas to D-2 Off Site Habitat Creation tab of the BNG 3.0 metric. This gives an offsite Urban tree habitat area of 0.1587 hectares if these trees ever get planted and reach their projected size after 30 years.

The BNG 3.0 Headline results

In light of all this, we have revised our BNG metric calculation (all the other BNG Metric parameters we have adopted remain unchanged). The applicant’s proposals will now result in a net loss of 69.87% of onsite Habitat Units and 35.06% overall. In addition, 66.64% of Hedgerow Units will be lost both on site and overall (see Figure 3 below) as a result of these proposals.

Land At Corner Of York Road And St Lukes Road B		Return to results menu
Headline Results		
On-site baseline	Habitat units	1.17
	Hedgerow units	0.50
	River units	0.00
On-site post-intervention <small>(Including habitat retention, creation & enhancement)</small>	Habitat units	0.35
	Hedgerow units	0.17
	River units	0.00
On-site net % change <small>(Including habitat retention, creation & enhancement)</small>	Habitat units	-69.87%
	Hedgerow units	-66.64%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention <small>(Including habitat retention, creation & enhancement)</small>	Habitat units	0.41
	Hedgerow units	0.00
	River units	0.00
Total net unit change <small>(including all on-site & off-site habitat retention, creation & enhancement)</small>	Habitat units	-0.41
	Hedgerow units	-0.34
	River units	0.00
Total on-site net % change plus off-site surplus	Habitat units	-35.06%
	Hedgerow units	-66.64%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

Figure 3 Adjusted Headline results

Bristol LPA guidance on BNG

The latest guidance we have seen from Bristol LPA on the requirements for biodiversity net gain is as follows:



“Ecological mitigation is required to meet the requirements of the National Planning Policy Framework (NPPF). The National Planning Policy Framework (2019) states in paragraph 170(d) on page 49 that planning decisions should minimise impacts on and provide net gains for biodiversity. It is recommended that the proposal employs Defra / Natural England’s Biodiversity Net Gain (BNG) biodiversity metric 2.0 (as updated) to develop ecological mitigation proposals. The BNG assessment should be undertaken prior to the validation of a future planning application and not conditioned. Planning applications submitted to Bristol City Council should demonstrate a positive biodiversity gain when using this metric. Please note that this may require off-site mitigation to achieve a Biodiversity Net Gain. Applicants should provide full details of their data, measurements and workings used to calculate the percentage BNG. Engagement with the Council’s pre-application process to inform BNG proposals and the design of ecological mitigation proposals at an early stage is encouraged. The Defra Biodiversity Net Gain (BNG) Biodiversity Metric 2.0 includes an off-site module which is fully integrated within the methodology. If a positive on-site BNG score cannot be achieved, the off-site module should be used as the automatic next step to achieve a positive BNG score.

A financial contribution is not an acceptable way forward because it does not calculate biodiversity units and so will be an arbitrary figure that will be very difficult to calculate or justify.

All BNG submissions should be accompanied by a nature conservation and landscape management plan which addresses features of interest, objectives, management compartments and prescriptions, a work schedule including a thirty year annual work plan, resourcing including a financial budget and ecological monitoring. This should cover a 30 year period.

Please note that if the Environment Bill is passed, a future planning application will be required to demonstrate a mandatory minimum 10% Biodiversity Net Gain as measured using the Defra Biodiversity Metric 2.0 (as amended).”⁸

This guidance still applies, even though it predates: the relevant paragraph in the NPPF (2021), which is now 174 d);⁹ the current biodiversity net gain metric, now BNG 3.1; the Environment Act 2021, which is now law; and the mandatory minimum 10% BNG that will take effect next year.

On our analysis, the applicant has failed to ‘provide net gains for biodiversity’ or to ‘demonstrate a positive biodiversity gain when using this metric.’

The Nature Conservation Officer has proposed that a Landscape and Ecological Management Plan (LEMP) be conditioned to be dealt with after planning permission is granted. However, the guidance above states that ‘all BNG submissions should be accompanied by a nature conservation and landscape management plan which addresses features of interest, objectives, management compartments and prescriptions, a work schedule including a thirty year annual work plan, resourcing including a financial budget and ecological monitoring. This should cover a 30 year period.’ This cannot be ‘secured by an appropriately worded planning condition’ to be prepared at a later date after planning permission is granted.

The proposed lighting plan condition

The Nature Conservation Officer has recommended the following condition: ‘A lighting plan should

⁸ Dr Nick Michael, BCC Nature Conservation Officer - planning application 22/01878/P - Ecological Technical Appendix A Desk Study - 7507.20.039 published as ECOLOGICAL_DESK_STUDY-3200493. Appendix A. (see also Appendix 4)

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf



be submitted by the applicant to demonstrate that light levels are minimised on the proposed boundary habitats and the proposed central corridor, in the interest of nocturnal species such as bats.' Given that the site is bounded by the public highway on three sides, one of which, York Rd, is the A370, with street lighting installed, we suggest that this is perhaps an unrealistic aspiration as far as the boundary habitats are concerned.

The same 'constraint' perhaps applies also to the suggested condition for the provision of bird and bat boxes and a hedgehog box, given the lighting conditions and the busy adjacent highway.

Bristol Tree Forum

7 August 2022