Bristol, 20th October 2022

BSA1201: Application for Development

I write to oppose this application on six grounds:

1. It appears possible that Brislington Meadows was misallocated for housing during the 2012-2014 local plan process;
2. Policy SA1 (site allocation) should not have priority over policy DM19 (nature conservation);
3. The local plan map is inaccurate and prevents fair and transparent decision-making;
4. There is nothing in the constraints section of BCC's planning "portal" to indicate that the site is designated as a Site of Nature Conservation Interest (SNCI);
5. The social context of the site is important for nature conservation;
6. The presumption of Sustainable Development is not determinative.

1. (Mis)Allocation for Housing

The site Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD, 22/01878/P, (hereafter, Brislington Meadows), was allocated for housing as part of the 2012-2014 local plan process, despite being designated as a Site of Nature Conservation Interest (SNCI).

Brislington Meadows remains designated as an SNCI and while it could, nevertheless, be designated for development as a matter of planning judgement, the courts have been clear that any development on an SNCI must follow a transparent process (*Littlewood v Bassetlaw DC* [2008] EWHC 1812 (Admin)). This means that the Council, public and planning inspector should all have been informed that the site was designated as an SNCI at the time allocation decisions were being made.

Were the public or the planning inspector informed in 2013 that Brislington Meadows was designated as an SNCI? While the 2012 *Preferred Approaches* document acknowledged that the site was an SNCI, this designation was not mentioned in either the 2013 *Allocations and Designations Process* document or the 2014 *Site Allocations and Development Management Policies Annex: Site Allocations*.

The 2013 Process document contained a general statement that where development was considered to be of a higher priority than nature conservation:

> "… sites with ecological value may have been allocated for development and not designated as SNCIs".

No sites were referenced as part of this paragraph and this statement cannot have been meant to apply to Brislington Meadows as the site *was* designated as an SNCI.

The Site Allocations Inspector's report of 2 April 2014 makes no mention that he appreciated that the site was in an a designated SNCI. The Inspector wrote:

> "BSA1201: Land at Broom Hill, Brislington
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> 121. The proposed allocation for housing purposes of land at Broom Hill, Brislington has attracted a significant number of representations. Concerns cover a wide range of matters. These include ecology and trees; historic environment and archaeology; flood risk; traffic, congestion and highways infrastructure; pollution and air quality; amenity and loss of open space; local facilities; and allotments.
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> 122. In my judgement, this large site (9.1 ha) would make an important contribution to the housing needs of Bristol. **It is a site of no overriding environmental quality**. Matters of significance could be addressed through the normal processes of development management. There is no evidence before me to indicate that the allocation should not be confirmed."

The words "it is a site of no overriding quality" are hard to reconcile with knowledge that the site had been designated as an SNCI. The ecological experts who sat on the Local Site Partnership had designated it as a Local Site that should be protected for local nature conservation and BRERC had registered it as such. If the Inspector knew this, it is reasonable to assume that he would have addressed the SNCI designation.

If the Inspector did not know that the site allocated for housing was designated as SNCI, the SA1 allocation stands on very shaky ground.

While we cannot know what was in the Inspector's mind, the written evidence does not suggest that he approved the SA1 allocation for Brislington Meadows knowing that the site had been designated as an SNCI. This was not clearly spelled out for this site in the submission documents.

Consequently, BSA1201 was, to my mind, misallocated for housing as the correct procedures for identifying the site as an SNCI were not followed.

2. Dual Allocation – priority between SA1 or DM19?

BCC's position is that the site has been dual allocated: designated both as an SNCI and allocated for housing. The Council's view (as expressed in emails from the planning department and in response to a FOI application) is that policy DM19 does not apply to SNCI sites designated as SA1.

However, there is no mention that SA1 should effectively "trump" DM19 in any of the local plan documents. If anything, DM19 would appear to have priority over SA1, as it states that "development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted" (DM19).

While it may be possible as a matter of planning judgement to disapply the Council's DM19 policy to individual sites, this would have to be expressly undertaken and should be justified on both ecological and social grounds.

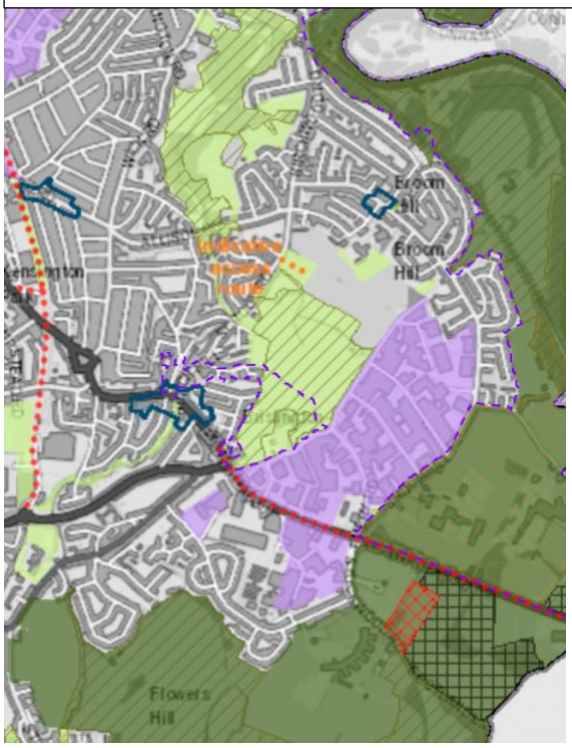
3. Mapping and Transparent Decision-making

While the Pinpoint map accurately reflects SNCI boundaries, echoing BRERC's map, the local plan map shows only a partial SNCI. The designation underneath the SA1 allocation does not appear when the site allocation layer of the map is removed – all that remains on the map is a truncated SNCI.

If it is BCC's position that Brislington Meadows is dual allocated (for both SA1 and as an SNCI), then both allocations should be visible on the local plan map. At the moment only the SA1 designation is visible on the local plan map, which is consequently inaccurate. This matters as informed and transparent decision-making cannot take place with an inaccurate map

Local plan map for BSA1201 with site allocations layer switched on

Local plan map for BSA1201 with site allocations layer switched off – the site should be hatched to show that it is designated as an SNCI but it is blank.



An accurate local plan map is critical to fair and transparent decision-making. The current map does not accurately reflect the SNCI designation and so cannot be relied upon by decision-makers.

4. Lack of Acknowledgement of SNCI status

Brislington Meadows was not de-designated as an SNCI site. In case this was ever in doubt, the Council have confirmed this in response to a FOI request: "Any status as an SNCI was not rescinded at the time of the development application or subsequently". Yet this information is not included in the constraints section of BCC's website for this planning application. It is also clear that agents acting on behalf of the developer suggest that the site was de-designated, without public correction from BCC, for instance, for example by way of a press release.

How are decision-makers to know that they are determining applications on a site designated as an SNCI if this is neither included on the constraints section or included on the local plan policies map? Such an omission raises fundamental questions of procedural fairness.

5. The Social Context: Access to Greenspace and (Im)mobility

The social context for development should be taken account when deciding whether or not to give planning permission for development. While this is not a formal ground, there is increasing understanding of the health and wellbeing benefits of spending time in greenspace and nature. (see for instance, Public Health England, 2020).

The ward report for Brislington East indicates that a fifth of all residents have no access to a car or a van, consequently, the only way in which these citizens can access greenspace independently is to walk, cycle on tricky roads or – if they can afford it – take relatively expensive and unreliable public transport.

The social context and access to greenspace are issues that we must factor into decision-making. If spending time in nature benefits health and well-being, should people who lack access to a car, often through economic circumstances, be unable to access these benefits? While Bristol's previous (2008) Greenspace strategy used ANGSt standards to try to assess relative access to greenspace, these criteria appear to have disappeared from the Council's decision-making processes.

While the West of England Nature Partnership (WENP) are mapping access to nature, their use of the OS greenspace layer conflates green spaces that are not accessible (allotments and playing fields) with green spaces that are (such as Brislington Meadows). We need accurate data to understand how people can access greenspace and nature, particularly

larger areas, where traffic is no longer audible and nature connectedness is possible. These are critical concerns for people who lack the economic resources to drive to dedicated greenspace sites (such as Ashton Court, Blaise Castle and Leigh Woods).

The NPPF provides significant support for policies that protect access to nature. Paragraph 92 states that "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which … c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure…". Paragraph 98 emphasises that "Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature".

While habitat sites are distinguished from local nature sites, plans should (according to paragraph 175) "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" as well as "take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries." As it seems that the SA1 allocation for Novers Common was mis-allocated (see point 1), these provisions still apply. Housing should not be built on a designated SNCI in a ward where access to nature and greenspace is so important for local people, many of whom will rarely be able to leave their locality.

6. The Presumption in favour of sustainable development

The consequences of the latest housing delivery test clearly pose a challenge for BCC. However, paragraph 11 of the NPPF is clear that while the presumption operates, it is not determinative. The NPPF states that development need not be approved where "[i] assets of particular importance [provide] a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole." This means that SNCI policies are still applicable: the NPPF is a material consideration but does not dictate that applications for development have to be approved.

The implications of the housing delivery test clearly raise broader questions for BCC and other decision-makers to grapple with. Logic dictates that we cannot permanently build new housing within city boundaries without building on greenspace land. However, while green field sites are cheaper for development, social, spatial and ecological context – including the socio-economic conditions of neighbourhoods as well as ecological designation – are relevant to decision-making.