



## 22/05714/FB | Expansion of existing cemetery and crematorium to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture. | South Bristol Crematorium And Cemetery Bridgwater Road Bristol BS13 7AS

### Summary

We welcome the Council's decision to withdraw its original plan to seek a Lawful Development Certificate for an Existing use or operation or activity (see planning application 21/04268/CE), on which we have already commented.<sup>1</sup>

However, the fact that the development site forms part of the Bristol Green Belt, is within the Colliter's Brook Site of Nature Conservation Interest (SNCI) and is also an Urban Landscape has not been properly addressed. As a result, this proposal still fails to demonstrate that these plans will meet the requirements of the National Planning Policy Framework<sup>2</sup> (NPPF) and Bristol's planning policies, in particular BCS9, DM17 and DM19.

We urge the Council to comply with its obligations and commission a full Biodiversity survey and Biodiversity Metric calculation before this application is decided.

Until this is done, we are only able to make preliminary comments.

If these issues are not addressed, then this application must be refused.

### Our preliminary comments

We have no comments to make at this stage on the planned works being undertaken within the existing cemetery grounds or to the plans to extend the cemetery in Area 1 as shown on the Overall Area Layout plan.<sup>3</sup>

However, we note that the whole development site is within the Green Belt, so the requirements of **Section 13: Protecting Green Belt land** of the NPPF and of BCS6 will need to be addressed.

The following comments relate primarily to the proposals to develop Areas 3 & 4.

#### 1. Areas 3 & 4 are an Urban Landscape, as defined in DM17

Under **DM17: Development Involving Existing Green Infrastructure** of the Site Allocations and Development Management Policies (July 2014) (SADM), the sites identified as Areas 3 & 4 are designated an **Urban Landscape**.

DM17 makes it clear that 'Proposals which would harm important features such as green hillsides, promontories, ridges, valleys, gorges, areas of substantial tree cover and distinctive manmade landscapes [Urban Landscapes] will not be permitted.'

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<sup>1</sup> <https://bristoltreeforum.files.wordpress.com/2021/10/btf-objection-1.pdf>

<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>3</sup> 22\_05714\_FB-OVERALL\_AREA\_LAYOUT-3351141 (1)



As these proposals will cause harm to this important Urban Landscape, they cannot not be permitted.

## 2. Areas 3 & 4 are within the Colliter's Brook SNCI

Areas 3 & 4 are within the Colliter's Brook SNCI. Under DM19: Development and Nature Conservation of the SADM, 'Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.'

The works proposed will result in a loss of biodiversity on the development site and so will 'have a harmful impact on the nature conservation of' the SNCI. The fact that it may be 'minor' is irrelevant; no degree of harm is acceptable.

Whilst the ecological report by Wessex Ecological Consultancy dated 5 May 2021 concluded that some minor damage would be caused to these areas, the report states at section 8 that:

*Measures to ensure that the proposals achieve net gain have been explored. The proposals include the replacement of areas of semi-improved grassland with modified grassland, and much smaller areas of track and hard standing. This will result in a loss of biodiversity value. There are limited opportunities to offset these losses on site. In the cemetery operational objectives mean that major enhancement schemes are not possible. In the SNCI the high existing value of most of the site means that most areas cannot be enhanced above their current level.*

As the applicant has failed to produce any Biodiversity Metric calculation, it is not possible at this stage to measure the nature and extent of the damage identified, or to say whether it can or should be offset elsewhere.

We have drawn the planning officer's attention to paragraphs 179, 180 and 182 of the NPPF Habitats and Biodiversity requirements, which, among other things, require that plans should:

*... identify and pursue opportunities for securing measurable net gains for biodiversity.*

We have also pointed out that paragraph 180 a) of the NPPF makes it clear that:

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative sites with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ...*

We also note that there are other highly distinctive habitats noted on the development site - not least some of the grassland and the species-rich hedges, possibly with associated trees, banks or ditches - so that further compensation may need to be provided to achieve sufficient biodiversity net gain.

Some of these habitats are also Habitats of Principal Importance for the purpose of conserving or enhancing biodiversity as defined in Section 41 of the Natural Environment and Rural Communities Act 2006.<sup>4</sup>

The NPPF defines these habitats as *priority habitats* and paragraph 179 b) specifically requires that plans should 'promote the conservation, restoration and enhancement' of them.

These habitats are also recognised by DM19, which requires that '[a]n appropriate survey and assessment of impacts will also be needed to determine developments likely to impact...' them.

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<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2006/16/section/41>



It adds that a ‘... biodiversity ... survey and assessment of impacts should be provided where development might impact any sites of value or Habitats of Principal Importance.’

Consideration will also need to be given to the impact of the Biodiversity Metric trading rules for particular habitats, plus the fact that gains in either linear or area habitats cannot be used to cross-compensate losses between these two types. As it is unlikely that onsite mitigation measures will be available, viable offsite locations will need to be identified (not in the Colliter’s Brook SNCI) before this application can be approved.

None of this can be properly understood until a full Biodiversity survey and Biodiversity Metric calculation is undertaken.

**Bristol Tree Forum**

**21 January 2023**