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# **Local Development Order**

## **Bristol Heat Network**

### **Committee Report**

**Development Control Committee B – 5 April 2023**  
**Application No. 22/05628/LDO : Various Sites Across The City**

**Ward:** Various sites across the City of Bristol.

**Application No:** 22/05628/LDO

**Determination Deadline:** N/A

***Local Development Order relating to District Heating. To provide additional permitted developments rights to allow district heating pipework and small above ground cabinets across the city.***

**Recommendation:** That the Local Development Order is adopted.

**Applicant:** Bristol City Council (BCC)

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## **BACKGROUND**

It is proposed to make a Local Development Order (LDO) to grant permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land in the City of Bristol as shown on the attached Order map ('the Order Map'), subject to conditions.

The Committee is asked to consider the LDO, statement of reasons and the Order Map to agree that the LDO and supporting documents should be adopted by Bristol City Council ('the Council') as the Local Planning Authority. A draft LDO has been subject to consultation and the final form of the LDO being recommended for approval has been influenced by the comments received.

## **THE ROLE OF LOCAL DEVELOPMENT ORDERS**

A Local Development Order provides permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that Local Planning Authorities can use for the delivery of appropriate development in the right places.

The Bristol Heat Network Local Development Order is proposed to help facilitate the installation of the Bristol Heat Network in appropriate areas.

In areas considered to be more sensitive to development, such as those in close proximity to environmental or heritage designations, development for which the Order grants planning permission will be subject to appropriate restrictions, conditions and prohibitions where necessary. These measures aim to safeguard any sensitive areas and ensure the

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Order and the resulting installations do not have a significant or detrimental impact on its surrounding environment.

Any development that does not form part of the description of development (Part IA of the Order) and is outside the scope of the Order would still require planning permission and be subject to a planning application being made to the Council. It is also noted that whilst the Order grants planning permission for certain types of development in Part IA and Part IB, it does not grant any other consents that may be required under other legislation.

**SITE AND SURROUNDING AREA**

The boundary of the Local Development Order would cover the administrative area of Bristol City Council.

The development permitted through the Order is identified on the Order Map<sup>1</sup> that includes only highway land and informal green spaces and is subject to conditions within the Order.

Areas considered to be more sensitive have been identified on the Order Map and have been excluded from the Order. These measures aim to safeguard any sensitive areas and ensure the Order does not have a significant or detrimental impact on its surrounding environment.

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<sup>1</sup> <https://bcc.maps.arcgis.com/apps/webappviewer/index.html?id=ea5777a8f0a343aca1e03fef8b6a39f6>

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**PERMISSION TO BE GRANTED BY THE LOCAL DEVELOPMENT ORDER**

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.



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## **EQUALITIES ASSESSMENT**

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

Section 149 of the Equality Act 2010 provides that a public authority must in the exercise of its functions have due regard to:

- a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The consultation period on the Order ran for a period of 38 days from 14 December 2022 to 20 January 2023, a time that extended past the statutory 28 days as required by legislation. During the consultation relevant bodies representing protected characteristics were contacted. The Bristol Disability Equality Forum responded and raised concerns on 10 January regarding the consultation. The Forum raised that the map provided in the Bristol Heat Network consultation did not have any road names on it, making it inaccessible to comment on or give an informed response to the consultation. A request for a version of the map which has street/road names was made. Based on these concerns, the following actions were undertaken:

- A link to an interactive GIS version of the Draft Local Development Order map was embedded on the Ask Bristol web page allowing users to zoom in to view road names and some building names. If the Order is adopted, then a permanent link to the online maps will be embedded on the BCC Bristol Heat Network page.
- Libraries were contacted and provided with a copy of the site notice so it could be displayed for library users access.
- Comments raised by the Bristol Disability Equality Forum regarding ensuring safe and accessible routes are provided where other permitting schemes are not required (e.g., soft dig through parks) were noted as part of a formal representation from the Forum. The Local Development Order Project Officer met with the Forum and noted the Forum's representations raised as part of their formal consultation response.

These actions were undertaken promptly to ensure that the Forum's comments were addressed.

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The Forum raised representations regarding ensuring safe and accessible routes are provided where other permitting schemes are not required (e.g., soft dig through parks). In response to this (whilst taking into account representations to the Order from other consultees) a decision was made to include a restriction in Part II of the Order whereby *‘development is not permitted by the Order where development would be on a site identified as a district park, local park, woodland or playing field’*.

In addition, Part IV (“Other Statutory Requirements”) of the Order sets out that whilst the Order grants planning permission for the development described in Part I, it does not grant any other consents that may be required under other legislation. It will remain the responsibility of the developer to comply with all relevant legislation.

Other statutory requirements include Section 50 and 61 licences are required by the New Roads and Street Works Act 1991. Whilst other statutory requirements are out of scope for the Order and will be considered by highways (for Section 50 and 61 licences), decision makers should be aware that the Order will likely result in an increase to works being carried out in the highway. This can be partially mitigated by passing on representations from consultation to those undertaking the works. The Equalities Impact Assessment points out other statutory requirements are out of scope and the works will not be undertaken by Bristol City Council however responses received are noted in Appendix 2 of this committee report and have been acknowledged.

Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

## **RELEVANT PLANNING HISTORY**

An application (reference 22/05572/F) for the installation of pipework and associated works to form part of a wider heat network at Whitehouse Lane in Bedminster, Bristol was approved on 15 February 2023.

There is no other relevant planning history for the site.

## **COMMUNITY ENGAGEMENT**

Before seeking to adopt an LDO, the council must consult on a draft LDO and statement of reasons for no less than 28 days. The council must take account of all responses received during this period in considering what modifications should be made to the draft LDO and whether the LDO should be adopted.

The consultation period ran for a period of 38 days from Wednesday 14 December 2022 and concluded on Friday 20 January 2023. 39 consultation responses were received of which 6 were in support, 26 were neutral and 7 were objections.

Consultation also involved:

- Sending a copy of the documents to statutory consultees on Wednesday 14 December 2022 including government agencies, interest groups and anyone that would be consulted on an application for planning permission;

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- Making the documents available for inspection in public buildings and on the Bristol City Council website through the 'Ask Bristol'<sup>1</sup> consultation portal and via a dedicated project webpage<sup>2</sup> from Wednesday 14 December 2022.
- Giving notice by local advertisement in the Bristol Post on Wednesday 14 December 2022; and
- Displaying 351 site notices covering the whole administrative area of the City of Bristol from Wednesday 14 December 2022.

A summary of representations received through the consultation has been provided below, with a more comprehensive review of the responses to consultee comments included in Appendix 2 of this report.

**EXTERNAL CONSULTEES**

The Environment Agency stated that the proposed local development order will be acceptable if a planning condition is included in the order requiring submission and subsequent agreement of further technical details including land contamination and de-watering. This is to ensure that the proposed development does not harm the water environment and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

[Wording was added into Condition 11 of the Order for requirements under the Construction Environmental Management Plan to account for this].

Historic England (HE) offered advice and observations noting that the Council should consult Conservation specialists on matters relating to Grade II heritage assets and particularly locally listed buildings and other non-designated heritage assets, including below ground archaeology (as identified in para 203 of the National Planning Policy Framework) and recommend that discussions are held with the Principal Historic Environment Officer for Bristol City Council with a view to developing a robust framework for on-going archaeological mitigation that provides clarity and security to all partners interests.

Based on restrictions of the Order, HE are satisfied that the development covered under the LDO would not have any impact or harm on the historic environment. However, in terms of the setting of heritage assets, HE would expect individual phases of the development to be considered against their guidance on identifying the extent of setting.

Based on Condition 7 and 8, HE are pleased to see that in 2.2.3.4 there is recognition that 'the development may unearth archaeological assets that may not be previously recorded by relevant authorities. Within the scope of the Condition 7 and 8 of the Order, no works shall take place until the developer has secured the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority'.

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<sup>1</sup> <https://www.ask.bristol.gov.uk/bristol-heat-network-local-development-order-consultation>

<sup>2</sup> <https://www.bristol.gov.uk/bristolheatnetworkLDO>

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[Consultation was held throughout the drafting of the Order with the Principal Historic Environment Officer in Bristol City Council to account for the Conditions referred to in the response by HE].

National Highways

For the full response please see Appendix 2. To summarise, key concerns related to how the Order and works permitted would interact with the Strategic Road Network.

National Grid Electricity Distribution (NGED) wish to understand:

- (a) how the proposal will ensure security of NGED and NGT's supply;
- (b) how the proposal will protect NGED and NGT's respective networks during the construction phase of the Bristol Heat Network and following its completion;
- (c) precise details of the design or construction of the Bristol Heat Network and therefore potential operational implications; and
- (d) precise details of the property rights and interests that will be affected by the implementation of the Order.

Due to the nature of the Order, NGED and NGT could be required to divert their assets for the purpose of facilitating the construction of the Bristol Heat Network under the Order.

NGED and NGT's objective is to secure the protection of their assets and reach an agreement on any expected diversions or works necessary in connection with the development pursuant to the Order. The letter from NGED and NGT should be treated as a holding objection to the Order. The objection is framed as a "holding" objection as NGED and NGT would not wish this to be considered as an outright objection to the Bristol Heat Network. The objection is being made in order to protect the NGED and NGT's assets.

NGED and NGT would expect the objection to be withdrawn once discussions are finalised with Bristol City Council regarding solutions to protect NGED and NGT's respective networks and a formal agreement is concluded.

[BCC received notification from NGED on 3 March 2023 with regards to the withdrawal of their holding objection to the Order].

Wessex Water (WW) owns and maintains thousands of kilometres of public sewers. These take away sewage waste, keep the environment clean, and are an essential part of everyday life. The Bristol Heat Network proposes a new network of underground pipes. WW trust that the excavation and reinstatement of trenches will be done by a suitably licensed contractor following NJUG guidance on the relative depths and separation distances between utilities. In addition, the new infrastructure should have regard to the need for maintenance and continued right of access to our sewers.

WW supports the principle of sharing a trench with other utilities recognising that this can allow collaboration with other utilities when excavating roads and avoid repeated disruption to road users. WW are willing to work with BCC to facilitate the sharing of trenches.

Trenching and placement of ducting or other services in a shared trench shall be NJUG compliant and meet WW standards.

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[NJUG guidelines have been included as an informative to Condition 11 of the Order].

The Coal Authority would expect consideration to be given to the coal mining features present in the vicinity of the district heating system (pipeline and any associated structures or works). An assessment should be made of the risks these features pose to surface stability and the development proposed. Any necessary investigatory and remedial works should be carried out to ensure the safety and stability of the development. Where works to ensure the stability of a site have been identified we would expect any required remedial works to be carried out prior to that part of the scheme commencing.

The Coal Authority were disappointed to note that the draft LDO does not include any conditions relating to unstable land, although Condition 9 does relate to contaminated land. They consider that a condition should be included to ensure that the risks posed to the development by past coal mining activity are properly assessed and the remedial works necessary to ensure the safety and stability of the development are undertaken in a timely manner.

[Since the addition of Condition 12 in the Order (High Risk Coal Mining Areas), the Coal Authority can confirm that the proposed condition would address the concerns raised in earlier comments on the LDO].

Natural England stated that based on the plans submitted, they consider that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Sport England would be concerned if any site for sport (land or building) including 'playing field', past or proposed use is affected adversely by the Order. Any development proposed would need to be compliant with NPPF paragraph 99 and Sport England Playing Fields Policy. Sport England would assess in the light of Sport England's Planning for Sport: Forward Planning guidance.

[A restriction has been included within the Order (Part II, restriction (k)) where development would not be permitted on a site identified as a district park, local park, woodland or playing field].

Bristol Disability Equality Forum state that the provision of safe and accessible alternative routes (must be included, both for parks and other footpaths affected) instances where road closures are required. It was highlighted that in many instances temporary drop curbs are either not provided, or, where they are provided they are not appropriate or suitable for those with mobility issues. Often dropped curbs are either too steep or too narrow for use by wheelchair users.

In instances where permits are not required for road closures, e.g., where Heat Network routes are through green spaces, there needs to be procedures put in place to ensure that suitable and accessible alternative routes (must be included, both for parks and other footpaths affected) are provided. It cannot be relied upon that contractors will provide these routes if the assumption is that they are not required because the route is through a park.

The local planning authority has an obligation to ensure that safe and suitable alternative

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routes (must be included, both for parks and other footpaths affected) are provided alongside all development with the LDO.

[It was noted to the Bristol Disability Equality Forum that in Part IV (“Other Statutory Requirements”) of the Order, it sets out that whilst the Order grants planning permission for the development described in Part I, it does not grant any other consents that may be required under other legislation. It will remain the responsibility of the developer to comply with all relevant legislation.

In addition, a restriction has been included within the Order (Part II, restriction (k)) where development would not be permitted on a site identified as a district park, local park, woodland or playing field].

Bath and North East Somerset Council (BANES) Planning Team has no objection to the scheme. The highways team at BANES has been consulted and stated the highway team raises no objection to the granting of the Local Development Order permission. However, the delivery of the heating network across the city does have potential to require significant temporary traffic management measures to be installed for lengthy periods of time. It is requested that there is continued liaison between the highway authorities to ensure that road space for temporary highway works within each authority area can be managed and co-ordinated.

North Somerset Council had no comments to make in this instance.

The Health and Safety Executive stated that from the information provided for this planning application, it does not appear to fall under the remit of planning gateway one because it does not relate to a relevant building and therefore there were no further comments.

The Marine Management Organisation stated that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

#### INTERNAL CONSULTEES

Bristol City Council Pollution Control stated no objection subject to the condition requiring a CEMP as detailed in draft Order.

Bristol City Council Transport Development Management (TDM) stated that having reviewed the submitted development order and its extent there is concern regarding the cumulative impact of the installation of the heat network to the highway however having liaised with Network Management there are safeguards in place to manage and mitigate the impact upon the highway network during the installation and maintenance stages. This is in line with the licenses and oversights required by the Network Management team through the Highways Act 1980 for other utilities and there is subsequently already systems of management and oversight in place.

The proposed conditions are considered acceptable to TDM. As such TDM raise no concerns regarding the proposed LDO and recommend approval.

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Bristol City Council Contaminated Land Environmental Protection stated no overall objection to the proposed conditions which were agreed with the project team earlier in 2022.

Bristol City Council Nature Conservation stated that the various sites across the city included in the proposed Bristol Heat Network Local Development Order are located on existing hard standing (roads) and as such are not anticipated to have a direct impact on any designated wildlife sites or protected species.

There is no significant impact on the environment anticipated as a result of these proposed works. Potential effects (e.g., noise, dust, etc) should however be considered in the proposed Construction Environment Management Plan (CEMP).

The CEMP should also set out protection measures for trees and nature conservation sites in close proximity to the proposed works (e.g., fencing and appropriate signage).

From a Nature Conservation/Ecology perspective, a full EIA will not be required for these proposed works.

[As well as the CEMP, Condition 5 of the Order (Biodiversity, Protected Species and Protected Sites) requires that where the installation is likely to cause an adverse impact on any green space(s) outside of the highway boundary, any protected species and protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted and agreed in writing with the LPA].

## **PUBLIC CONSULTEES**

These representations have been summarised and comprise representations received from members of the public, organisations and community organisations. Further information on how the comments have been responded to and considered to inform the final draft of the LDO can be found in Appendix 2.

### Traffic, transport, construction works, disruption

- Inform of any planned disruption to the road network in advance
- A construction management plan should be prepared.
- Scheduling of planned works under this order should either coinciding with current disruption where works overlap geographically or factoring in current disruption and building when planning works in the neighbouring areas to account for traffic disruption, noise and building.
- Members of Whitchurch Village Council think this is an excellent idea but one that could cause travel disruption whilst being installed. Can we be kept informed of any planned disruption to the road network in this area with plenty of notice.

### Use of permitted development rights model and extent of powers

- The LDO is modelled on permitted development rights which is inappropriate. Extent of powers of LDO is inappropriate with particular regard as to how the Council or any associated company/organisation, and/or contractors are likely to



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use them. Concerns regarding one size fits all approach to how the powers are to be applied.

- There is no practical reason why planning applications for express permission cannot be made for the rollout that establishes the network, including for the construction / storage sites.
- It needs to be made clear that the LDO will not override the principles and obligations set out the Local Development Plan.
- The Bristol Port Company supports the Council's proposals for district heating and the permitted development rights on the Council's highway network, but The Bristol Port Company objects to the suggestions of work on private land in the Port's ownership as suggested on the current mapping that accompanies the Application. Bristol Port further notes that the extent of the SNCI at the former Gloucester Road railway sidings in Avonmouth is incorrect. It is intended to remove the entirety of the Bristol Port Company ownership from the Order Map. Discussions with the Bristol Port Company are ongoing to ensure the removal of Bristol Port Company owned land from the Order map. It should be noted that the Order does not grant permissions for other legislative requirements and does not provide consent to undertake work without landowner permissions.

Impact on green space/parks/open space

- Concerns regarding areas of green space (parks) being covered by the Order. Proposed LDO would (inter alia) give planning permission for development on areas of green space enjoyed by the public which is inappropriate.
- Difficulties understanding exact implications of the proposals on individual, or even groups of parks and green spaces, without further information as to what is involved, over what timescale in a specific location.
- Infrastructure and related permanent structures (eg: phone masts) could be sited, or proposed to be sited, inappropriately for the functions and purpose of park or green space.
- Monies from CIL (or its successor if brought forward) or S106 agreements are spent on the park and green space affected.
- Construction of the infrastructure, and its ancillary works is carried out in a manner so to minimise the negative impacts on the purpose and functions of the park and green space involved.
- Restore the relevant areas back to their original condition or better.
- Enhance the park and green space affected as part of the proposals.

Consultation

- Consultation held largely over the holiday period and without any prior engagement with relevant community organisations.
- Given the potential scale of activity, there is a lack of an emphasis on co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design.
- Lack of clarity as to how local communities will be engaged and benefit with this undertaking as the disruption to our lives will be immense.

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Written Approval

- 28-day period for written approval should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order.

Environment

- Examples of measures to avoid and minimise negative impacts should be considered (e.g., trees, hedgerows).
- BNG and whether this has been considered.
- LDO will involve excavations in or close to the roots of trees or hedges. Tree roots in these circumstances must be protected such as the inclusion of any trenching undertaken within or close to the root zone of any tree hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.
- Impact on Badock's Wood with particular regard needed for the hedgerow and adjoining field.

Other

- Restore the relevant areas back to their original condition or better.
- Potential cumulative impact of above ground structures upon the public realm. Part II Restrictions on Development be amended so that planning permission is required for above ground structures, buildings and pipework.
- Further consideration as to how land will be reinstated to ensure this is done appropriately and in accordance with case officer approval.
- Other specific changes to order wording of the Order.
- Communities in Avonmouth, Lawrence Weston, Shirehampton and presumably Severn Beach and others who are mostly affected by the waste, the flies, the traffic resulting from this trade, the smells and who consequently should be the first to benefit
- Simple measures such as realigning kerbs or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.
- All underground infrastructure encountered should be mapped to help reduce future costs of street redesigns or redevelopment.
- Concerns regarding City Leap and costs.
- Concerns the Order is available to private contractors and companies.
- More transparency in how it plans to do this, the terms upon which it will commit to provide this, and where and when the network will be expanded
- Draft plan policies should not give hierarchical preference to connection to 'existing networks' given the ease with which local networks / individual provision should be implemented at new development, thereby freeing up the BHN to focus on existing homes where the genuine climate-related benefits will be more obviously generated (subject to the energy sources being of a suitable nature - i.e. they make no contribution to increasing global temperatures)
- In the past, BCC blocks in Redcliff and Barton Hill were heated by centralised boiler plant with distribution by medium temperature medium pressure underground

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heating mains; these systems were maintenance intensive. What is proposed for the new heating mains to reduce maintenance? What heat loss limitation measures will be undertaken? What is the proposed distribution temperature and will this require calorifiers or heat pumps at the load end points.

- It is unclear how much social value is expected to be generated, particularly as the creation of jobs should involve local communities and include underrepresented and disadvantaged communities within the workforce.
- CO2 emitting sources must not be used as most of the benefits will be eradicated by burning biomass or other fossil fuel in CHP plants.

**RELEVANT POLICIES**

National Planning Policy Framework – July 2021

Bristol Development Framework Core Strategy (Adopted June 2011):

- Policy BCS9 Green Infrastructure
- Policy BCS11 Infrastructure and Developer Contributions
- Policy BCS13 Climate Change
- Policy BCS14 Sustainable Energy
- Policy BCS21 Quality Urban Design
- Policy BCS22 Conservation and the Historic Environment

Bristol Local Plan Review (Draft Policies and Development Allocations November 2022):

- Draft Policy NZC1: Climate Change, Sustainable Design and Construction
- Draft Policy NZC2 Zero Carbon Development – Operational Carbon
- Draft Policy NZC3: Embodied Carbon, Materials and Waste
- Draft Policy NZC5 Renewable Energy Development

Planning Policy Guidance, Planning Policy Statements and Supplementary Planning Guidance:

- Bristol Central Area Plan 2015
- Urban Living SPD: Making Successful Places at Higher Densities 2018
- Progressing Bristol's Development Statement October 2020
- Climate Emergency Action Plan 2022
- The City Centre Framework June 2020
- Bedminster Green Framework February 2019
- Bristol Temple Quarter Enterprise Zone Spatial Framework 2016
- Nelson Street Regeneration Framework SPD March 2006
- St Pauls Development Framework SPD December 2006
- Future of Redcliffe SPD July 2006
- Climate Change and Sustainability Practice Note (July 2020)

Adopted Neighbourhood Plans

- Hengrove and Whitchurch Park Neighbourhood Development Plan
- Lawrence Weston Neighbourhood Development Plan
- Old Market Quarter Neighbourhood Development Plan

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In determining this application, the Local Planning Authority has had regard to the NPPF, all relevant policies of the Bristol Local Plan and relevant guidance.

## **KEY ISSUES**

### **Is the principle of this development appropriate?**

The Bristol Heat Network Local Development Order provides permitted development rights for specified types of development in defined locations. It is a flexible and locally determined tool that Local Planning Authorities can use for the delivery of appropriate development in the right places.

The Bristol Heat Network Local Development Order is proposed to help facilitate the installation of the Bristol Heat Network in appropriate areas. To realise the Council's ambitions of carbon neutrality, almost every building in the city will need to switch to low carbon heating or connect to a Heat Network.

The aim of the Order is to encourage and facilitate the implementation of the Bristol Heat Network to:

- Deliver the infrastructure to enable the distribution of low carbon energy sources
- Achieve reductions in the Council's CO2 emissions and contribute to the city's aim of carbon neutrality by 2030

The majority of consultees were supportive of the principle of the development to contribute to the Council's aim for carbon neutrality by 2030. Concerns in relation to traffic and transport, green spaces and construction phase impacts are addressed through minor amendments to the LDO and the Order Map and are dealt with later in this report.

### **Does the LDO sufficiently safeguard biodiversity, protected species and protected sites within the site boundaries?**

During the drafting of the LDO and prior to the statutory consultation period, a meeting was held between members of the project team in Bristol City Council and representatives from Natural England with regards to the scope and purpose of the LDO.

The main area of concern that was noted during the meeting was the potential noise disturbance of the Order on the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation and Severn Estuary Special Protection Area. To limit any impacts from noise disturbance on designated sites within the Severn Estuary, it was concluded that a clause would be included within the Order to restrict any development within 500m of the designated sites at the Severn Estuary. This is reflected in Part II 'Restrictions on Development' of the LDO in clause (g):

*Development is not permitted by this Order where:*

*(g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area*

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In addition, regular consultation was held with the Bristol City Council Nature Conservation Officer with regards to managing any potential impacts of the proposed development on environmentally sensitive sites within the Order limits.

This ongoing consultation resulted in certain controls being included within the LDO to restrict development where the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve.

In addition, development is not permitted by the Order where any development would be within 50m of a Site of Special Scientific Interest, or any development would be on previously undeveloped land within 200m of a Site of Special Scientific Interest.

This is set out in Part II ‘Restrictions on Development’ of the LDO in clauses (e), (f) and (i):

*Development is not permitted by this Order where:*

*(e) any development is within 50m of a Site of Special Scientific Interest; or*

*(f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or*

*(i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order.*

Condition [5] in Part III of the Order relates to Biodiversity, Protected Species and Protected Sites;

*‘Where the installation is likely to cause an adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.’*

It is considered due to the above restrictions in Part II of the LDO, the proposed development would not result in likely significant effects on biodiversity, protected species and protected sites.

**Does the LDO sufficiently safeguard designated heritage assets within the site boundaries?**

During the drafting of the LDO and prior to the statutory consultation period, consultation was held between members of the project team in Bristol City Council and the Principal Historic Environment Officer.

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It was discussed in consultation with the BCC Historic Environment Officer that certain controls were required to safeguard against potential harm to designated heritage assets within the site boundaries. This resulted in restrictions being included in the Order, namely in Part II ‘Restrictions on Development’ in clause (h) where development is not permitted where:

*(h) any above ground infrastructure would;*

*i) affect a listed building; or*

*ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order*

Condition [6] in Part III of the Order relates to development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building:

*‘No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.’*

It is considered due to the above restrictions in Part II of the LDO, the proposed development would not result in likely significant effects on designated heritage assets.

**Does the Order sufficiently manage the construction phase impacts of the LDO within the site boundaries?**

Due to the nature of the development, it was necessary to sufficiently manage any construction phase impacts of the LDO to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution (as a minimum).

The purpose of Condition [11] in the LDO is to ensure no development takes place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with the relevant highway authority where appropriate).

Through the development of the LDO and in consultation with statutory consultees, it was considered necessary to ensure the extent of each phase of works does not exceed 1 hectare at any one time, when considered individually or combined with other phases. This ensures limited impact upon the highway network during the construction phase.

Additionally, through ongoing consultation with National Highways and the Environment Agency, the CEMP also requires the applicant to include details of the following:

*(iii) Timescale for each phase*

*(iv) Inclusion of any above ground infrastructure for each phase*

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- (v) A programme for the anticipated start and completion dates for each phase*
- (vi) Any known or anticipated highway closures or restrictions including and any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase*
- (vii) Proposed route required for each a specified phase*
- (viii) Construction hours*
- (ix) A scheme to manage construction activities and the storage of any chemicals including-*
  - securing any required de-watering of the site*
  - securing the protection of licenced and un-licenced sources of water*
  - securing the maintenance of any identified spring-fed flows*
  - securing the protection of groundwater dependent terrestrial ecosystems*

Condition [11] also advocates that National Joint Utilities Group Guidelines should be adhered to when undertaking works permitted by the Order.

**Does the scope of the LDO, its conditions and guidance strike the correct balance between simplifying the planning process and retaining appropriate controls over development on the site?**

By producing the LDO the Council is able to provide a level of certainty and flexibility to a developer that would not be available when applying for planning permission. The submission requirements of the LDO are also less onerous than a planning application and the procedure for written approval (for certain conditions) and the timeframe for the LPA's approval of 28 days is considerably shorter than the 8-week period for a similar planning application. The Council will also benefit from time savings where development is delivered in phases.

To facilitate development, the LDO is as permissive as possible, however the LDO includes a number of conditions to prevent any unacceptable impacts arising from development:

- Condition [2] requires the colour and materials of any above ground infrastructure to be specified and agreed in writing with the LPA
- Condition [3] states there shall be no works to trees or hedgerows to accommodate the installation unless agreed writing with the LPA
- Condition [5] requires that where the installation is likely to cause an adverse impact on any green spaces, protected sites or species, then relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing with the LPA



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- Condition [6] restricts above ground development within the boundary of designated heritage assets unless agreed in writing by the LPA
- Condition [7] restricts the commencement of works until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been approved in writing by the LPA
- Condition [9] controls the identification of contaminated land if found during the development
- Condition [10] requires any soil or soil-forming material to be tested for contamination and suitability before such materials are imported onto the site
- Condition [11] requires a Construction Environmental Management Plan to be submitted and approved in writing by the LPA prior to any development taking place
- Condition [12] requires a risk assessment highlighting the risk to development from coal mining legacy features to be submitted and approved in writing by the LPA where development is within the defined Development High Risk Areas prescribed by the Coal Authority
- Condition [14] requires the site to be reinstated to the condition which existed prior to the works taking place within ninety working days from the date of completion of the installation

The above conditions will assist the developer in designing and delivering an appropriate scheme whilst ensuring that proposals are permitted in accordance with the approved details and control of the LPA.

**What alterations to the draft LDO are required to respond to comments received?**

Appendix 1 reproduces the LDO including the recommended amendments to the LDO.

Officer comments above linked to the summary of comments received covers the changes proposed to the draft LDO but the more significant amendments are as follows:

District Parks, Local Parks, Woodlands and Playing Fields

In response to concerns raised by the Bristol Parks Forum, Bristol Civic Society and the Bristol Tree Forum, a restriction has been included in Part II of the Order where;

*Development is not permitted by this Order where:*

*(k) any development would be on a site identified as a district park, local park, woodland or playing field.*

The Order Map has also been amended to account for the removal of district parks, local parks, woodlands and playing fields within the area permitted by the Order.

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Construction Environmental Management Plan

In response to concerns raised by National Highways and the Environment Agency, further detail has been added into Condition [11] requiring the submission and approval of a Construction Environmental Management Plan as part of the Order.

This includes the addition of details to be submitted with regards to the following:

- Any known highway closures or restrictions
- Proposed routing for specified phases
- Details of any acoustic screens and barriers for specified phases
- Working hours
- A scheme for the management of chemicals and de-watering of the site

High Risk Coal Mining Areas

In response to concerns raised by the Coal Authority, a condition has been added into the Order to control development within High Risk Coal Mining Areas (new Condition 12 'High Risk Coal Mining Areas'). This requires a risk assessment highlighting the risk to the development from the coal mining legacy features present within the defined Development High Risk Area prescribed by the Coal Authority and details of any mitigation measures necessary to allow development to proceed.

**ENVIRONMENTAL IMPACT**

Taking into account the characteristic of the development, its location and environmental sensitivity of the locality and the characteristics of the potential impacts, a Stage 1 Habitats Regulations Assessment (HRA) has been undertaken for the project in accordance with the Conservation of Habitats and Species Regulations 2017. In addition, the project has also been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

The conclusion of the HRA finds that the proposed Bristol Heat Network development allowed under the Local Development Order was screened out at Stage 1 due to the likely absence of Likely Significant Effects (from either construction or operation) on any of the Habitat Sites identified within the Zone of Influence. It was therefore concluded that undertaking any further stages of the HRA process would not be required for the proposed development.

Similarly, the development has been reviewed against the EIA Regulations and it is considered that any environmental effects of the development would not be significant. The assessment concluded that, given the conditions listed in the Order and mitigation measures to be taken during the construction and operation of the development, it is considered the development would not have any significant effects on the environment and that the development is not EIA development and will not require a statutory EIA.

**RECOMMENDATION**

That the Local Development Order is adopted as at Appendix 1.

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**APPENDICES**

Appendix 1 – Revised Local Development Order

Appendix 2 – Summary of Representations

## **Bristol City Council**

### **Bristol Heat Network Local Development Order**

*In pursuance of the powers of the Town and Country Planning Act 1990 (as amended), Bristol City Council hereby gives notice that planning permission has been approved for the carrying out of the development described in Part IA and Part 1B below, subject to compliance with the conditions listed in Part III.*

#### **Part IA – Description of Development**

This local development order ('the Order') grants permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land in the City of Bristol as shown on the attached Order map ('the Order Map'), subject to conditions.

#### **Part IB – Permitted Development**

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

#### **Part II – Restrictions on Development**

Development is not permitted by this Order where:

- a) any above ground cabinets, buildings, structures or enclosures would be greater than 1.4m in height above ground level or greater than 2.5 cubic metres in external volume; or
- b) any trench depth exceeds 4m and trench width exceeds 3m; or
- c) any pipework installed above ground is greater than 5 metres in length; or
- d) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; or
- e) any development is within 50m of a Site of Special Scientific Interest; or
- f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or
- g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area; or
- h) any above ground infrastructure would;

- i) affect a listed building; or
  - ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order; or
- i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order; or
- j) within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is in force, the development is of a type described in that Direction.
- k) any development would be on a site identified as a district park, local park, woodland or playing field.

### Part III – Conditions

In these conditions:

**‘the Order’** means the Bristol Heat Network local development order.

**‘the Order Map’** means the map attached to this Order identifying the land subject to the Order and relevant planning and policy designations as may be updated from time to time;

**‘the development’** means the development authorised by the Order as set out in Part IA and Part 1B;

**‘the Local Planning Authority’** means Bristol City Council

**‘Protected Sites’** include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas, Regionally Important Geological Sites and Local Nature Reserves

**‘Protected Species’** as defined in the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended), Protection of Badgers Act 1992, Wild Mammals (Protection) Act 1996 and the Natural Environment and Rural Communities Act 2006.

The above development is permitted subject to the following conditions:

#### 1. Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

*Reason: To ensure that the development is commenced and completed within a reasonable period of time.*

*Informative: Development permitted by this Order may be completed if it has been commenced in accordance with the terms of this Order before the expiry, modification or withdrawal or extension.*

## **2. Design**

Prior to the commencement of development, the colour and materials of any above ground infrastructure shall be specified and agreed in writing with the Local Planning Authority.

*Reason: To minimise the visual impact of new development within the defined area for the Order in line with Policy BSC21 of the Bristol Core Strategy.*

## **3. Trees and Hedgerows**

There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the Local Planning Authority.

*Reason: To ensure adequate protection of existing trees and hedgerows in line with Policy BCS9 of the Bristol Core Strategy.*

## **4. Tree and Hedgerow Maintenance**

If within a period of ten years from the date of the planting of any tree, hedge or shrub or any replacement associated with development permitted by this Order (within the area shown on the attached Order Map) it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or diseased, another tree, hedge or shrub of the same species and size as that originally planted shall be planted in the same location no later than the first available planting season, unless the Local Planning Authority agrees in writing that a different species, size and / or location may be substituted.

*Reason: To ensure maintenance of a healthy landscape scheme, in accordance with Policy BCS9 of the Bristol Core Strategy.*

## **5. Biodiversity, Protected Species and Protected Sites**

Where the installation is likely to cause an adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.

*Reason: To avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy BCS9 of the Bristol Core Strategy.*

*Informative: This condition is to be read alongside Part I restriction (i). Protected sites include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas and Local Nature Reserves. Relevant surveys may include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive and other surveys may be required.*

#### **6. Development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building**

No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.

*Reason: To minimise visual impact of new development against heritage assets in accordance with Policy BCS22 of the Bristol Core Strategy and to ensure development does not affect a listed building in accordance with Regulation 38(12)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

#### **7. Archaeology**

No works shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that archaeological remains and features are recorded prior to their disruption and to ensure new development safeguards or enhances heritage assets and the character and setting of areas of acknowledged importance such as archaeological remains in accordance with Policy BCS22 of the Bristol Core Strategy.*

#### **8. Completion of a Programme of Archaeological Works**

Within ninety days of the completion of each phase of development, the provision must be made to the Local Planning Authority for the analysis, publication and dissemination of results and archive deposition of the site investigation and post investigation assessment that has been completed in accordance with the programme set out in the Written Scheme of Investigation pursuant to condition [7].



*Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.*

## **9. Contaminated Land**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, and a verification report submitted for approval.

*Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure development is sited and designed in a way as to avoid adversely impacting upon creating exposure to contaminated land in accordance with Policy BCS23 of the Bristol Core Strategy. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.*

## **10. Importation of Soils**

Before each phase of development, any soil or soil-forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use before any such materials are imported onto the site or used.

The methodology for such testing shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by a risk assessment) and testing shall then be carried out by a suitably qualified professional in accordance with such methodology.

Verification of compliance with the requirements of this condition [10] shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being imported onto the site.

*Reason: To ensure that contamination soils are not imported to the site and that the development shall be suitable for use with respect to land contamination.*

## 11. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority (in consultation with the relevant highway authority where appropriate). The plan should include, but is not limited to, the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution.

As a minimum, the CEMP must include individual phasing elements including;

- (i) Extent of each phase on a scale plan
- (ii) Confirmation that no phase will exceed 1 hectare at any one time, when considered individually or combined with other phases
- (iii) Timescale for each phase
- (iv) Inclusion of any above ground infrastructure for each phase
- (v) A programme for the anticipated start and completion dates for each phase
- (vi) Any known or anticipated highway closures or restrictions including any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase
- (vii) Proposed route required for a specified phase
- (viii) Construction hours
- (ix) A scheme to manage construction activities and the storage of any chemicals including -
  - securing any required de-watering of the site
  - securing the protection of licenced and un-licenced sources of water
  - securing the maintenance of any identified spring-fed flows
  - securing the protection of groundwater dependent terrestrial ecosystems

*Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.*

*Informative: National Joint Utilities Group (NJUG) Guidelines should be adhered to when undertaking works permitted by this Order. Relevant undertakers and asset owners must be contacted for departing from the NJUG Guidelines.*

## 12. High Risk Coal Mining Areas

Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and
- b) details of any mitigation measures necessary to allow development to proceed.

The works shall be carried out in accordance with the approved details.

*Reason: In the interests of public safety.*

### **13. Post Construction**

Within sixty working days of completion of any works, details shall be provided to the Local Planning Authority providing the date of completion and a map showing the geographical position of the completed works. This detail shall include:

- (i) The location and route of the network;
- (ii) The depth of the network;
- (iii) The location of any above ground infrastructure; and
- (iv) The location of any chambers

*Reason: In the interests of the safe operation of the adopted highway and to allow the Local Planning Authority to monitor the take up and implementation of the development permitted by this Order.*

### **14. Reinstatement**

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.

*Reason: To ensure that all land over the Bristol Heat Network is reinstated promptly and to an appropriate standard.*

## **Part IV – Other Statutory Requirements**

Whilst the Order grants planning permission for certain types of development as described in Part IA and Part 1B, it does not grant any other consents that may be required under other legislation.

It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by Bristol City Council or other appropriate persons or bodies.

This legislation includes, but is not limited to, the following (as may be amended or re-enacted from time to time):

- The Ancient Monuments and Archaeological Areas Act 1979;
- The Highways Act 1980;
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Planning (Hazardous Substances) Act 1990;
- The Planning (Hazardous Substances) Regulations 1992;
- New Roads and Street Works Act 1991;
- The Hedgerow Regulations 1997;

- The Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- The Building Regulations 2010;
- The Environmental Permitting (England and Wales) Regulations 2016;
- Conservation of Habitats and Species Regulations 2017;
- The Environment Act 2021; and
- Rules and Guidance issued by the Health and Safety Executive.

## **Part V – Procedure for Written Approval**

The applicant must serve written notice to the Local Planning Authority to initiate the written approval procedures.

Applications for the Local Planning Authority's written approval pursuant to conditions 2, 3 and 4 to this Order shall be made using the forms provided in Appendix A to this Order.

A fee is payable to the Local Planning Authority in connection with any applications for written approval from the Local Planning Authority pursuant to this Order. Refer to Appendix A for further detail.

## **Part VI – Timeframes for Local Planning Authority Approval**

Where the Local Planning Authority's written approval is required pursuant to conditions 2, 3 and 4 to this Order the development must not begin or continue (as applicable) before the occurrence of one of the following –

- (a) the receipt by the applicant from the Local Planning Authority of a written notice giving its approval of details submitted under this Order; or
- (b) the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.

## **Part VII – Monitoring and Review**

The Order Map shall be kept under review and updated periodically by the Local Planning Authority to ensure it reflects the up to date planning and policy designations from time to time.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.

## **APPENDIX A**

This Appendix provides a guide to submitting details to and obtaining the Local Planning Authority's written approval of details submitted, pursuant to the conditions to the Bristol Heat Network Local Development Order. It also provides a guide to serving written notices on the Local Planning Authority, where required by the conditions to the Order.

### **WRITTEN APPROVALS**

The conditions to the Order provide for requests for written approval from the Local Planning Authority, as follows: -

#### **A. Circumstantial written approvals**

##### **Condition 2 Design**

Prior written approval from the Local Planning Authority to agree the colour and materials of any above ground infrastructure.

##### **Condition 3 Trees and Hedgerows**

Prior written approval from the Local Planning Authority to lop, top, reduce roots or remove trees or hedgerows.

##### **Condition 4 Trees and Hedgerow Maintenance**

Prior written approval from the Local Planning Authority for alternative planting specification for replacement trees, hedges or shrubs.

In respect of each type of request for written approval identified above, the following form is to be completed and emailed to [development.management@bristol.gov.uk](mailto:development.management@bristol.gov.uk)

The words in square brackets and italics can be deleted and are for guidance only.

<b><u>Written Approvals Under BHN LDO</u></b>	
<b>Applicant details</b>	
Name	
Address	
Postcode	
Telephone	
Email	
<b>Agent details</b>	
Name	
Address	
Postcode	
Telephone	
Email	
<b>Description of development</b>	
Description of development including ancillary construction and engineering works	<i>[This description should be comprehensive]</i>
Description of site condition before development and supporting evidence (plans, photos or equivalent)	<i>[This will allow the Local Planning Authority to monitor compliance with reinstatement conditions]</i>

Description of location of works in relation to neighbouring properties	<i>[This will allow the Local Planning Authority to identify and monitor the development]</i>
<b>Plan</b>	
Site location plan	<i>[To a scale of 1:1250 or 1:2500]</i>
<b>Details of condition(s) requiring Local Planning Authority's written approval</b>	
Condition number	<i>[2, 3, 4]</i>
List of documents submitted	<i>[For condition 2 this includes details with regards to the colour of any above ground infrastructure]</i>  <i>[For condition 3 this includes details of proposed tree works]</i>  <i>[For condition 4 this includes alternative planting specification for replacement trees]</i>
<b>Declaration of compliance</b>	
Declaration	<p>I/we hereby give notice of the intention to carry out the development described above pursuant to the Bristol Heat Network Local Development Order. I/we confirm that the development will be carried out in accordance with the details included in this form and the submitted documents and plans, and in accordance with the conditions of the Order.</p> <p>I/we understand that any variation from details submitted pursuant to the Order must be notified to the Local Planning Authority in writing and may require re-assessment for compliance with the terms of the Order.</p>
Name	
Signature	
Date	

As set out in [Part VI] of the Order, the Local Planning Authority has [28] days from receipt, to approve or refuse requests for written approval made pursuant to conditions to the Order. In the event Local Planning Authority fails to approve or refuse a request for written approval within this timeframe, the development may proceed without such written approval.

#### **Publication of details submitted and requests for written approval**

All requests for written approval to the Local Planning Authority pursuant to the Order will be published by the Local Planning Authority on its planning applications website.



03.03.2023

## Appendix 2 of the Committee Report – Summary of Representations

Respondent	Representations Received	Consideration
Sport England	<p>Sport England would be concerned if any site for sport (land or building) including 'playing field', past or proposed use, is affected adversely by this proposed Heat Network Local Development Order. Any development proposal would need to be policy compliant with the NPPF para 99 and Sport England's Playing Fields Policy. Sport England would assess in the light of Sport England's Planning for Sport: Forward Planning guidance</p> <p>The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport. To achieve this, our objectives are to:</p> <ul style="list-style-type: none"><li>o PROTECT sports facilities from loss as a result of redevelopment</li><li>o ENHANCE existing facilities through improving their quality, accessibility and management</li><li>o PROVIDE new facilities that are fit for purpose to meet demands for participation now and in the future.</li></ul> <p>Sport England acknowledges that the NPPF is promoting "sustainable development" to avoid delays in the planning process (linked to economic growth). That said, the NPPF also says that for open space, sport &amp; recreation land &amp; buildings (including playing fields) paragraph 99:</p> <p>99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"><li>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</li><li>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</li><li>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.</li></ul> <p>Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document' Playing Fields Policy</p>	<p>Following the consultation on the Order, amendments have been made regarding the restrictions on development. Amendments include the exclusion of identified playing fields from the Order and Order map. Therefore development would not be permitted by the Order and the Order would not result in adverse impacts to playing fields.</p>





03.03.2023

Bristol City Council Pollution Control	No objection to the order subject to the condition requiring a Construction Management Plan as detailed in the draft order.	Condition 11 " <i>Construction Environmental Management Plan</i> " (CEMP) of the Order has been retained. Amendments have been made to the requirements required as part of the CEMP under Condition 11 of the Order. These amendments require additional information on individual phasing elements to be provided as part of the CEMP.
Bristol City Council Transport Development Management	<p>Having reviewed the submitted development order and its extent there is concern regarding the cumulative impact of the installation of the heat network to the highway however having liaised with Network Management there are safeguards in place to manage and mitigate the impact upon the highway network during the installation and maintenance stages. This is in line with the licenses and oversights required by the Network Management team through the Highways Act 1980 for other utilities and there is subsequently already systems of management and oversight in place.</p> <p>The proposed conditions are considered acceptable to TDM. As such TDM raise no concerns regarding the proposed LDO and recommend approval.</p>	This has been noted.
Bristol City Council Contaminated Land Environmental Protection	Overall no objection to the proposed conditions which were agreed with the project team earlier in 2022.	This has been noted.
Bath and North East Somerset Council	<p>Bath and North East Somerset Council (BANES) Planning Team has no objection to the scheme. The highways team at BANES has been consulted and stated the following:</p> <p>'The highway team raises no objection to the granting of the Local Development Order permission. However, the delivery of the heating network across the city does have potential to require significant temporary traffic management measures to be installed for lengthy periods of time. It is requested that there is continued liaison between the highway authorities to ensure that road space for temporary highway works within each authority area can be managed and co-ordinated.'</p>	<p>The Order only covers the administrative boundary of Bristol City Council. Work that would fall outside the administrative boundary is not permitted by the Order.</p> <p>Following the consultation on the Order, amendments have been made to Condition 11 of the Order. Amendments include that the relevant highways authorities must be consulted on the CEMP where relevant.</p>
Historic England	<p>Summary: We recognise the benefits that this scheme will offer the wider city and in terms of potential impacts and consequence to the historic environment, we offer the following advice and observations.</p> <p>Designated Heritage Assets</p>	This has been noted.



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	<p>The land identified within the LDO will include a significant number of designated heritage assets, including listed buildings, Scheduled Ancient Monuments, Conservation areas and Registered Parks and Gardens. The statutory remit of Historic England is primarily limited to highly-graded listed buildings, Scheduled Ancient Monuments and development on sites exceeding 1000m2 within Conservation Area. We therefore advise that you consult your Conservation specialists on matters relating to Grade II heritage assets and particularly locally listed buildings and other non-designated heritage assets, including below ground archaeology (as identified in para 203 of the NPPF).</p> <p><b>Impact of the Proposed Development</b></p> <p>The proposed restrictions of the LDO would mean that any development that would affect the setting of or have direct impacts upon above ground designated heritage assets would be controlled through the planning system by means of planning, Scheduled Monument Consent or Listed Building Consent. We are therefore satisfied that the development covered under the LDO would not have any impact or harm on the historic environment. However, in terms of the setting of heritage assets, we would expect individual phases of the development to be considered against our guidance on identifying the extent of setting.</p> <p>With regard to implementing below ground infrastructure under the LDO there is a high probability of impacting on buried archaeology relating to the early development of Bristol as a city. This could include remains that are associated with designated heritage assets, e.g. sections of the medieval city wall, which is protected as a scheduled monument in King Street and Baldwin Street. We are therefore pleased to see that in 2.2.3.4 there is recognition that 'the development may unearth archaeological assets that may not be previously recorded by relevant authorities. Within the scope of the Condition 7 and 8 of the Order, no works shall take place until the developer has secured the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority'.</p> <p>We recommend that you discuss this with the Principal Historic Environment Officer for Bristol city with a view to developing a robust framework for on-going archaeological mitigation that provides clarity and security to all partners interests.</p> <p>Central to HE advice is the requirement of relevant planning legislation and policy which should be considered.</p>	<p>Both Bristol City Council Heritage and Archaeology specialists have been engaged throughout the development of the Order and have helped inform relevant conditions.</p>
Environment Agency	<p>Offer the following comments Environmental Impact Assessment Screening Report 13<sup>th</sup> December 2022:</p> <ul style="list-style-type: none"> <li>• Table 2.2 should include the Carboniferous Limestone</li> <li>• Please can Section 2.2.2.5 include aquifer designations and vulnerability status, licensed abstractions and uses, potential locations of confined aquifers at shallow depth.</li> </ul>	<p>The Environment Agency (EA) sets out the proposed Order will be acceptable if a planning condition is included in the Order requiring submission and subsequent agreement of further</p>



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- Please can Section 2.2.2.5 also mention that in addition to there being no Source Protection Zone (SPZ) or Nitrate Vulnerability Zone (NVZ), there are also no Drinking Water Protected Areas (DWPA).
- Identification of any areas where dewatering may be required and if so, an assessment of quantities against the Environmental Permitting requirements.
- Following the above, Section 2.2.3.5 may need to be updated to clearly state design parameters which are protective of groundwater and include mitigation measures to be implemented where necessary

#### Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

Since 1<sup>st</sup> January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

#### Nearby abstractions – dewatering impact

Dewatering the proposed abstraction may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources. A list of all licensed and known domestic groundwater abstractions in the vicinity which may be affected by dewatering was provided.

#### Groundwater and contaminated land

In relation to land contamination at the proposed development site, please note that we only consider issues relating to controlled waters and the relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting.

We recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

technical details as set out below. Without this, the EA would object to the Order.

The EA recommends the inclusion of a condition on contaminated land. Condition 9 (*"Contaminated Land"*) of the Order has been retained. Minor amendments have been made to the 'reason' for the condition with reference to paragraph 170 of the NPPF now being included. Therefore Condition 9 is being retained as part of the Order and as such satisfies the EAs recommendation regarding contaminated land.

With regards to de-watering, Condition 11 of the Order has been amended. Condition 11 now states as a minimum, the CEMP must include individual phasing elements including *"A scheme to manage construction activities and the storage of any chemicals including-*

- *securing any required de-watering of the site*
- *securing the protection of licenced and un-licenced sources of water*
- *securing the maintenance of any identified spring-fed flows*
- *securing the protection of groundwater dependent terrestrial ecosystems "*

Therefore, both conditions recommend by the EA have been included within the Order.



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- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
  - Refer to the contaminated land pages on gov.uk for more information
- The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer.



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The development supported by this local development order presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is partly located upon principal and secondary aquifers.

**The Environmental Impact Assessment Screening Report 13<sup>th</sup> December 2022 submitted in support of this local development order provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.**

In light of the above, the proposed local development order will be acceptable if a planning condition is included in the order requiring submission and subsequent agreement of further technical details as set out below. Without this, we would object to the local development order in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

#### Condition

The development hereby permitted may not commence until such time as a scheme to

- manage construction activities and the storage of any chemicals
- secure any required de-watering of the site
- secure the protection of licensed and un-licensed sources of water
- secure the maintenance of any identified spring-fed flows
- secure the protection of groundwater dependent terrestrial ecosystems

has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

#### Reasons

To ensure that the proposed development, <including [enter activity]>, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework the 'The Environment Agency's approach to groundwater protection'.>



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	<p>Condition</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reasons</p> <p>To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p>	
Natural England	<p>No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.</p> <p>ADVICE</p> <p>European sites</p> <p>Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.</p> <p>Severn Estuary Special Area of Conservation/ Special Protection Area/ Ramsar</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Severn Estuary Special Area of Conservation /Special Protection Area /Ramsar and has no objection to the proposed development. As no development will be permitted by the Order within 500m of the Designated Site, impacts arising from noise and visual disturbance can be screened out. On this basis it can be concluded that a likely significant effect on the Severn Estuary Special Area of Conservation/ Special Protection Area/ Ramsar can be ruled out.</p> <p>Avon Gorge Woodlands SAC</p> <p>The Order restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI. As the Avon Gorge Woodlands SAC is also designated as a SSSI (the Avon Gorge SSSI) no development will take place within 50m of the SAC (or within 200m on any undesignated land).</p> <p>Furthermore, the Order requires the adoption of best practicable means to reduce dust generated during</p>	This has been noted.



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	<p>the construction phase. On this basis it can be concluded that a likely significant effect on the Avon Gorge Woodlands Special Area of Conservation can be ruled out.</p> <p>Site of Special Scientific Interests The Order restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI. Furthermore, the Order requires the adoption of best practicable means to reduce dust generated during the construction phase. Based on the documents submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p>	
The Bristol Port Company	<p>The Bristol Port Company supports the Council's proposals for district heating and the permitted development rights on the Council's highway network, but The Bristol Port Company objects to the suggestions of work on private land in the Port's ownership as suggested on the current mapping that accompanies the Application. Bristol Port further notes that the extent of the SNCI at the former Gloucester Road railway sidings in Avonmouth is incorrect.</p>	<p>Further engagement with the Bristol Port Company was undertaken on 21<sup>st</sup> February via an online meeting. During this further engagement it was determined that the Order map includes areas on the BPC private land and as such the BPC have provided GIS information setting out the extent of the BPC ownership. It is intended to remove the entirety of BPC ownership from the Order map. However, it should be noted that the Order does not grant permissions for other legislative requirements and does not provide consent to undertake work without landowner permissions. Discussions with BPC are ongoing to ensure the removal of BPC owned land from the Order map.</p> <p>The BPC also consider the extent of the Site of Nature Conservation Interest to be incorrect. The SINC identified on the Order map aligns with the SINC identified on the Local Plan policies map and as a result the SINC boundary in the Order map has not been amended.</p>
National Grid	<p>In particular, NGED and NGT wish to understand:</p> <ul style="list-style-type: none"> <li>(a) how the proposal will ensure security of NGED and NGT's supply;</li> <li>(b) how the proposal will protect NGED and NGT's respective networks during the construction phase of the Bristol Heat Network and following its completion;</li> <li>(c) precise details of the design or construction of the Bristol Heat Network and therefore potential operational implications; and</li> </ul>	<p>Further engagement with National Grid was undertaken on 7<sup>th</sup> February and 20<sup>th</sup> February to understand the representations received and key concerns.</p> <p>It was confirmed with National Grid via email on 15<sup>th</sup> February that Part IV ("<i>Other Statutory Requirements</i>") of the Order sets out that whilst the Order grants planning permission for certain</p>



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(d) precise details of the property rights and interests that will be affected by the implementation of the Order.

Due to the nature of the Order, NGED and NGT could be required to divert their assets for the purpose of facilitating the construction of the Bristol Heat Network under the Order. NGED and NGT's objective is to secure the protection of their assets and reach an agreement with you on any expected diversions or works necessary in connection with the development pursuant to the Order.

Please accept this letter as NGED and NGT's holding objection to the Order. The objection is framed as a "holding" objection as NGED and NGT would not wish this to be considered as an outright objection to the Bristol Heat Network. The objection is being made in order to protect the NGED and NGT's assets.

We would expect the objection to be withdrawn once discussions are finalised with Bristol City Council regarding solutions to protect NGED and NGT's respective networks and a formal agreement is concluded.

types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the Local Planning Authority, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.

It was also confirmed with National Grid that statutory procedures outlined within other legislation, such as the New Roads and Street Works Act (NRSWA) 1991 (Section 50 and 61 licences), will therefore still apply and will provide the protection sought for underground assets. For instance, Part III of the NRSWA 1991 requires developers to carry out various duties; including notifying and working with other owners of underground apparatus to ensure these are protected. Any non-compliance with this duty is a criminal offence.

Additionally, it was confirmed with National Grid that Bristol City Council will not be undertaking the works for the heat network it cannot enter into an Asset Protection Agreement. Any such agreements should be sought from the relevant developer (if required).

During the second meeting with National Grid on February 20<sup>th</sup> 2023, concerns regarding work in areas defined as green or open space were raised. It was confirmed that it was intended to exclude green space from the Order and the Order map.

Additional information on the Section 50 process was provided to National Grid during both meetings and via email.





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		<p>Following the meeting on 7<sup>th</sup> February and 20<sup>th</sup> February, to summarise, National Grid have confirmed they are satisfied that the statutory protections provided by the section 50 licencing regime for street works adequately protect NGED's/LGT's assets within the LDO area (the majority of which is made up of the streets and roads of Bristol City).</p> <p>Accordingly, National Grid have issued a formal letter of notifying of their removal of the holding objection on 3<sup>rd</sup> March 2023.</p>
The Coal Authority	<p>(20<sup>th</sup> January)</p> <p>Where works are proposed, including structures, buildings and pipelines, within the areas records indicate coal mining features are present we would expect consideration to be given to the risks these pose, and what, if any, remedial works and mitigation measures are necessary. The applicant has not provided any information to demonstrate that they have assessed the risks posed by coal mining activity to the development works proposals.</p> <p>We would expect consideration to be given to the coal mining features present in the vicinity of the district heating system (pipeline and any associated structures or works). An assessment should be made of the risks these features pose to surface stability and the development proposed. Any necessary investigatory and remedial works should be carried out to ensure the safety and stability of the development. Where works to ensure the stability of a site have been identified we would expect any required remedial works to be carried out prior to that part of the scheme commencing.</p> <p>We are disappointed to note that the draft DCO does not include any conditions relating to unstable land, although Condition 9 does relate to contaminated land. We consider that a condition should be included to ensure that the risks posed to the development by past coal mining activity are properly assessed and the remedial works necessary to ensure the safety and stability of the development are undertaken in a timely manner.</p> <p>(22<sup>nd</sup> February)</p> <p>On 22<sup>nd</sup> February 2023 follow up email (summarised):</p> <p>I can confirm that the proposed condition would address the concerns that I raised in my earlier comments on the LDO.</p>	<p>This has been noted. Further engagement with the Coal Authority was undertaken on 7<sup>th</sup> February and it was agreed that a condition be included in the Order relating to development in High Risk Coal Mining Areas. Following this meeting a formal email was issued on 15<sup>th</sup> February to the Coal Authority setting out that the following condition would be included within the Order:</p> <p><i>High Risk Coal Mining Areas</i></p> <p><i>"Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority: a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and b) details of any mitigation measures necessary to allow development to proceed.</i></p> <p><i>The works shall be carried out in accordance with the approved details.</i></p> <p><i>Reason: In the interests of public safety"</i></p>



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	<p>We provide the LPA with downloadable GIS data, which we update annually. The attachment labelled Bristol DHRA should be what you see on your system if you have this data added to your GIS layer.</p> <p>You can also view different recorded coal mining features on the Coal Authority Interactive Map Viewer so that you can see how they relate to your area. The attached screen grab is what you see when you turn on the mine entry layer for Bristol area. <a href="https://www.bgs.ac.uk/interactive-map-viewer/">Interactive Map Viewer   Coal Authority (bgs.ac.uk)</a></p> <p>You can only zoom in so far with this system but if you have any specific sites that you are interested in, in terms of works proposed as part of the LDO, then please let me know and I can look in more detail for you. You would need to provide me with a plan of the area of interest in order for me to do this.</p>	<p>The formal email also noted that the Coal Authority also raised in their representation to the Order and Screening Report that no information had been provided to demonstrate that risks posed by coal mining activity have been assessed in relation to the development work proposals. The email set out that based on the addition of the proposed condition within the Order, it is considered that risks posed by coal mining activity within the Development High Risk Areas, prescribed by the Coal Authority, will be adequately assessed prior to the commencement of works in those areas.</p> <p>On February 22<sup>nd</sup> 2023 further representation was received from the Coal Authority providing information of the mapping and confirming the condition would address concerns. Therefore, it is considered that the Coal Authority's representations have been addressed through the inclusion of the High-Risk Coal Mining Areas condition.</p>
Wessex Water	<p>Wessex Water owns and maintain thousands of kilometres of public sewers. These take away sewage waste, keep the environment clean, and are an essential part of everyday life. The Bristol Heat Network proposes a new network of underground pipes. We trust that the excavation and reinstatement of trenches will be done by a suitably licensed contractor following NJUG guidance on the relative depths and separation distances between utilities. In addition, the new infrastructure should have regard to the need for maintenance and continued right of access to our sewers.</p> <p>Wessex Water supports the principle of sharing a trench with other utilities recognising that this can allow collaboration with other utilities when excavating roads and avoid repeated disruption to road users. We are willing to work with BCC to facilitate the sharing of trenches. Trenching and placement of ducting or other services in a shared trench shall be NJUG compliant and meet Wessex Water standards</p>	<p>Further engagement with Wessex Water was undertaken via an online meeting on 7<sup>th</sup> February. During this meeting it was determined that reference to NJUG guidelines will be included within the Order. Therefore, Condition 11 of the Order has been amended to include an informative citing the guidelines. The informative sets out that developers should adhere to NJUG guidelines and must engage the appropriate undertaker should there be any reason to depart from NJUG guidelines.</p> <p>With regards to trench sharing, it was confirmed with Wessex Water that this will be regulated through the Section 50 licence regime. A licenced undertaker will be subject to the duties and obligations imposed under the NRSWA 1991, including co-ordinating and co-operating with other statutory undertakers and their apparatus.</p>



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		<p>The information set out above was formally emailed to Wessex Water on 15<sup>th</sup> February 2023. No additional representations have been received from Wessex Water to date.</p>
National Highways	<p>An assessment of transport related impacts of the proposed BHN should be carried out and reported as described in the current Ministry for Housing, Communities and Local Government (MHCLG) guidance on 'Travel Plans, Transport Assessments and Statements in decision-taking'.</p> <p>Environmental impacts arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported, along with the environmental impact of the road network upon the development itself.</p> <p>In terms of transport infrastructure modifications, this does not fall within the description of development of the Order. It is not possible to anticipate these changes however as noted under Paragraph 1, other statutory legislation still applies and will need to be adhered to. With regards to the impact on the road network upon the development itself, the EIA Report sets out that the development would not have a significant effect on traffic, transport, and access during construction and operation. Adverse changes to noise and air quality should be particularly considered, including in relation to compliance with the European air quality Limit Values and/or Local Authority designated Air Quality Management Areas (AQMA's) and World Health Organisation (WHO) criteria.</p> <p>No new connections are permitted to National Highways' drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.</p> <p>Development must not lead to any surface water flooding on the SRN carriageway</p> <p>The National Highways soft estate must not be relied upon to contribute any mitigation to the site as the management of our estate may from time to time affect any real or perceived benefits.</p> <p>An appropriate Transport Statement / Assessment should consider the impact of the development (in this instance specifically during the construction phase), on the operation of the SRN, in this case the A4/M4/M5/M32/M49, in line with National Planning Practice Guidance and DfT Circular 01/2022 'The Strategic Road Network and the Delivery of Sustainable Development'. Where the proposals would result in a severe congestion or unacceptable safety impact, mitigation will be required in line with current policy.</p>	<p>Further engagement with National Highways was undertaken on 7<sup>th</sup> February via an online meeting. This meeting was to understand National Highways representations fully. During the meeting it was raised that major motorways were excluded from the Order. It was also raised that the Order (Part IV "<i>Other Statutory Requirements</i>") sets out that whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the LPA, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.</p> <p>It was also confirmed with National Highways that statutory procedures outlined within other legislation, such as the NRSWA1991 (Section 50 and 61 licences), will therefore still apply and will provide the protection sought for underground assets. As part of this process, Bristol City Council, as the authority who will grant the licence, will need to consult with National Highways regarding potential traffic impacts to the Strategic Road Network (SRN) prior to issuing a licence.</p> <p>Following on from this, a detailed response to National Highways representations was issued on 2<sup>nd</sup> March 2023. To summarise the response to National Highways, the follow key points were stated:</p> <ul style="list-style-type: none"><li>- With the restrictions imposed by the Order (such as the scale of the works being limited to less than 1 hectare at</li></ul>



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The BHN development boundary within the scope of the LDO is shown in Bristol LDO Policy Maps 1-8 and encompasses a significant amount of Bristol and the SRN. Therefore, the proposed construction works, which we understand are to be phased and will be set out within the Construction Environmental Management Plan, could have impacts on the A4/M4/M5/M32/M49 and its junctions and may need to be assessed in terms of forecast traffic generation during the network peak hours and the Saturday peak hours. The construction programme will need to consider the impact of all phases of works and associated traffic management on the continued safe operation of the SRN and its junctions. We therefore recommend early and continued engagement throughout the duration of the project with the applicant and its project team so that we can review and advise on the proposed phasing of the works and where junction assessments may be required. National Highways will require detailed information of the predicted number of trips by construction staff and construction vehicle movements at each construction/trenching sites during the network peak hours and the Saturday peak hours within each phase of construction.

The traffic impact of the development should be assessed cumulatively with other schemes, including committed development in the area and any planned highway schemes. We would expect the applicant to agree an appropriate list of schemes with the Local Planning Authority, Local Highway Authority and National Highways.

As there are areas covered by the LDO that are on, under, over or abut the SRN, National Highways will need to be consulted on any works that have the potential to impact on the SRN and associated assets (both operational and non-operational). This will enable us to review and advise on any necessary permissions the applicant may be required to obtain from us as the strategic highway authority for proposed works on our network.

Any third party works within the highway will require the applicant to enter into a suitable legal agreement with National Highways to enable us to review and comment on the operational impact of proposals, provide any technical approvals required, and agree the detailed design, method of works and traffic management requirements etc. The installation of pipes under/over/across the SRN are likely to require s50 licences for the trunk roads and s61 consents for motorways (or a combination of the two). National Highways preference would be for directional drilling where there is a need to cross the SRN and there should be no longitudinal apparatus under the motorways. When crossing the SRN the BHN's installation and maintenance teams should not access apparatus from within a motorway boundary and therefore any drilling should be 'field to field' with no cabinets etc located on the SRN.

any given time) and measures (such as construction working hours), as well as through the implementation of the CEMP and reference in the Order that NJUG guidelines should be adhered to; the development would not be likely to have a significant effect on traffic, transport, and access during construction. Due to the nature of the operational development (being predominantly underground), no likely significant effects are anticipated during the operational life of the development.

- As discussed on 7<sup>th</sup> February, the SRN (M4/M5/M32/M49) is excluded from the Order. Based on National Highways South West Region Map, the majority of the A4 does not fall within the jurisdiction of National Highways. A small portion of the A4 is under National Highways authority within the Avonmouth area and therefore it is proposed that this section of the A4 be excluded from the Order. National Highways have been issued with a request for the GIS data so that the exact location of National Highways jurisdiction on the A4 (start and end) can be identified and excluded from the order map. However since issuing this request these details have been made available within Bristol City Council and this portion of the A4 has been excluded from the Order and Order map. Ongoing engagement is being undertaken with National Highways and as such we would welcome confirmation from National Highways that this is acceptable.
- It was stated that the CEMP should note the adoption and use of the best practicable means to reduce and *mitigate* the effects of traffic, noise, vibration, dust and *light pollution*. It should be noted that this wording in Condition 11 has been amended to state '*mitigate* the effects...' and '*light pollution* and...'. The Order was also



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Given the proximity of the site to the A4/M4/M5/M32/M49, consideration should be given to the design of any site lighting, to ensure this will not result in any visual distraction or glare for A4/M4/M5/M32/M49 road users.

National Highways will need to consider the potential implications of the running of hot water pipes below our roads/over or through our structures/near our cables, etc and we may need to seek specialist advice on these matters.

National Highways advises that before, during and after monitoring surveys will be required for any excavation works on our network and that any reinstatement works to our network will need to be to our specifications. We recommend early engagement and ongoing dialogue for any works that are required on our network.

In terms of environmental impacts, we request that where any works are proposed within or adjacent to our operational estate (including works associated with lopping, topping, root reduction and the removal of trees and/or hedgerows), that agreement in writing by the LPA is only issued to the applicant following prior consultation with National Highways.

The proposed construction works, which we understand are to be phased and will be set out within the Construction Environmental Management Plan could have impacts on the Strategic Road Network (SRN) including A4/M4/M5/M32/M49 and its junctions and may need to be assessed in terms of forecast traffic impact during the network peak hours and the Saturday peak hours.

We therefore recommend early and continued engagement throughout the duration of the project with the applicant and its project team so that we can review and advise on the proposed phasing of the works and where junction assessments may be required.

National Highways will require detailed information of the predicted number of trips by construction staff and construction vehicle movements at each construction/trenching site during the network peak hours and the Saturday peak hours and within each phase of construction.

Our comments relate to matters arising from our responsibilities to manage and maintain the SRN, in this case the A4/M4/M5/M32/M49. We have therefore set out below both the general and specific areas of concern that National Highways would expect to see considered as part of any Environmental Statement. Comments relating to the local road network should be sought from the appropriate Local Highway Authority.

amended to include reference to construction hours via Condition 11.

- The Order was also amended to include requirements for the proposed route for a specified phase to be included within the Condition 11.
- Transport infrastructure modifications, connections to drainage networks and buildings do not fall within the description of development of the Order.
- The Bristol Heat Network Order Environmental Impact Assessment Screening Report has considered noise and vibration as well as air quality during construction. Through the implementation of the CEMP and by the inclusion of an informative in the order that NJUG guidelines should be adhered to, the development would not be likely to result in significant effect on air quality during construction. There would be no operational effects on air quality due to the nature of the development
- There will be no additional hardstanding as a result of the development, only hardstanding that is being reinstated to its prior condition. On that basis, the development should not lead to any surface water flooding on the SRN carriageway that is not already present due to the existing hardstanding.
- Mitigation is not permitted via the Order. Any mitigation should be dealt with via other separate consents if required.
- We propose that additional wording will be included within Condition 11 requiring the CEMP to be approved in writing by the LPA in consultation with the relevant highway authority where appropriate.
- Moreover, we propose to add wording at point vi) of Condition 11 requiring details of 'any known or anticipated highway closures or restrictions including any known or



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	<p><u>Other concerns representations (via email on 14.02):</u></p> <p>Our comments relate to matters arising from our responsibilities to manage and maintain the SRN, in this case the A4/M4/M5/M32/M49. We have therefore set out below both the general and specific areas of concern that National Highways would expect to see considered as part of any Environmental Statement. Comments relating to the local road network should be sought from the appropriate Local Highway Authority.</p> <p>Can it be noted that any apparatus crossing the M5 require a separate approach, at that time (unless the legislation changes) they will need NRSWA section 61 consent and probably a NRSWA section 50 Licence.</p> <p>Could it also be noted that we will also require the installation using trenchless technology and follow CD 622 (our geotechnical risk management standard).</p>	<p>anticipated highway closures that may impact on the SRN and its junctions related to each phase.</p> <ul style="list-style-type: none"> <li>- In terms of the design of any lighting, Condition 11 will also state the plan should include the adoption and use of best practicable means to reduce and mitigate the effect of traffic, noise, vibration, dust and light pollution. It should be noted that the Condition 11 wording has been amended to state '<i>mitigate the effects...</i>' and '<i>light pollution and...</i>'.</li> <li>- There would be no hot water pipes below National Highway roads/over or through its structures/near its cables etc as a result of the Order due to the exclusion of the SRN from the Order.</li> <li>- The M5 is not included in the Order, any such installation would require a separate planning consent. In addition, it would also require approval under other statutory procedures, including section 50/61 licences under the NRSWA 1991.</li> <li>- As neither the M5 nor the ability to install using trenchless technology have been included in the Order, any such engineering works under the M5 would require a separate planning consent (and any other consents required).</li> </ul> <p>The above is a summary of the response issued.</p> <p>Ongoing discussion and engagement with National Highways is being undertaken.</p>
Whitchurch Village Council	Members of Whitchurch Village Council think this is an excellent idea but one that could cause travel disruption whilst being installed. Can we be kept informed of any planned disruption to the road network in this area with plenty of notice.	This has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.
Bristol Advisory Committee on Climate Change	The co-chairs have expressed interest in engaging with this consultation process but have been unable to do so, in the time available due to the concurrent Local Plan consultation. The co-chairs would like to enquire whether you would accept their feedback at a later deadline (31 Jan or 15 Feb, for example) which would enable greater engagement from their committee to provide a full and constructive response.	The Bristol Advisory Committee on Climate Change were engaged to undertake further engagement via a meeting however no further response was received.



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<p>Bristol Civic Society</p>	<p>Bristol Civic Society recognises the importance of heat networks for decarbonising heating requirements in a densely developed area such as Bristol. They are an essential part of the route map to the city's ambition to be carbon neutral by 2030. We therefore support the principle of heat networks. Our concern with this proposed Local Development Order (LDO) is its scope and manner of preparation.</p> <p>Concerns about the LDO</p> <p>The LDO is modelled on permitted development rights (PDRs) for telecoms, electricity etc. These nationally-granted PDRs are, however, in general focussed on operational land owned by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. This proposed LDO would (inter alia) give planning permission for development on areas of green space enjoyed by the public. This is not appropriate.</p> <p>Operational activity should benefit from PDRs but we see no practical reason why planning applications for express permission cannot be made for the rollout that establishes the network, including for the construction / storage sites that will be required.</p> <p>Working with, and listening to, affected communities</p> <p>The importance of transparency and securing community buy-in to decisions that have significant impacts on them should be axiomatic. In this context, Simon Roberts (Chief Executive of the local energy charity, Centre for Sustainable Energy) wrote about the importance of securing meaningful consent for decarbonisation projects. The focus was on onshore wind, but the central message is very relevant for the rollout of the heat network. Yet here we have an important consultation held largely over the holiday period and without, as far as we are aware, any prior engagement with relevant community organisations.</p> <p>We are also surprised, given the potential scale of activity, that there isn't an emphasis on co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design. The feeling of exclusion will not be helped by the provisions relating to approval of details where, in the absence of a refusal, development permitted by the order can start at "the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority". The 28- day period should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order.</p> <p>Engagement</p> <p>We would welcome a meeting with council officers to discuss this proposed LDO before it is made</p>	<p>Following the conclusion of the consultation period on the Order (20<sup>th</sup> January), the Bristol Civic Society were engaged further on 8<sup>th</sup> February via an online meeting to understand the representations received fully.</p> <p>Bristol Civic Society's (BCS) support in principle of the heat network has been noted. Other representations raised by BCS have been addressed below.</p> <p>In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to construction compounds / storage sites these do not form part of the description of the development as described in Part I of the Order. Therefore construction compounds / storage sites are not permitted by the Order and would be subject to other planning consents or existing permitted development rights that may be afforded.</p> <p>Representations regarding development on green space have been acknowledged. Following consultation, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development on identified parks will not be permitted via the Order.</p>
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With regards to the consultation process on the Order, it is acknowledged that the consultation was undertaken over the December holiday period. However, to account for this, the consultation period was extended and ran from 14<sup>th</sup> December 2022 to 20<sup>th</sup> January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, BCS (as well as other statutory and non-statutory consultees) were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.

In terms of co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design, the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.

BCS note that the 28 day period for written approval should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order. It should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days





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		is a standard and sufficient timeframe for the LPA to provide comment on the submission.
Bristol Parks Forum	<p>Grounds of objections and alternative approaches</p> <p>We appreciate the intended outcome of the use of these powers to potentially tackle serious issues for our city, including Climate Change.</p> <p>Our objection relates to the extent of those powers; and how the Council, or any associated company/organisation, and/or contractors are likely to use them.</p> <p>In considering these we have found it challenging to consider the exact implications of the proposals on individual, or even groups of parks and green spaces, without further information as to what is involved, over what timescale in a specific location.</p> <p>Parks and Green Spaces are acknowledged as critical to our health and well-being; and provide many positive benefits to people and wildlife. Under the Order important areas of green space for the City and local communities (such as Victoria Park, Doncaster Road Playing Fields, Parts of Eastville Park, Redcatch Park, Lawrence Weston Playing Fields) are within the areas covered by the Order.</p> <p>Extent of the powers</p> <p>The powers as they stand come across as allowing parties to be able to do what they need to do without too many checks and balances.</p> <p>There have been examples of infrastructure and related permanent structures (eg: phone masts) being sited, or proposed to be sited, inappropriately for the functions and purpose of the park or green space. They become an intrusion, leading to a reduction in the way that those spaces are used and enjoyed.</p> <p>To avoid this, additional conditions must be applied, or guarantees sought, that the following will be carried out before, during and after construction:</p> <ol style="list-style-type: none"> <li>1) An analysis of purpose and functions of the individual park and green space (or parts of the park and green space) provides for people and wildlife is carried out, so that the effect of the proposals can be assessed properly. Such an assessment can cover economic, social, environmental and cultural aspects. This assessment would be wider in scope than the current proposals which are focussed on purely formal designations.</li> <li>2) The design will minimise the negative impacts on the purpose and functions of the park and green space involved. Examples of measures to avoid and minimise negative impacts could include avoidance of features</li> </ol>	<p>Following the conclusion of the consultation period on the Order (20<sup>th</sup> January), the Bristol Parks Forum were engaged further on 8<sup>th</sup> February via an online meeting to understand the representations received further.</p> <p>In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to development on green space, following the consultation on the Order, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no works will be permitted via the Order on identified parks.</p> <p>In terms of point 1, 2, 3, 4, 6 raised by the BPF, the Order has been amended to exclude identified district parks, local parks, woodland and playing fields.. Condition 3 and 4 of the Order also seek to ensure adequate protection of existing trees and hedgerows and to ensure the maintenance of a healthy landscape scheme in accordance with the Core Strategy.</p> <p>On point 3, Condition 11 of the Order will be retained. Condition 11 requires the submission and approval in writing by the LPA (and relevant highways authority) of a CEMP. With regards to</p>



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<p>such as trees and hedgerows; especially if those features are ancient, historic, veteran, or culturally significant; or have legislative or planning policy protection.</p> <p>3) A construction management plan is prepared. See a condition example in the Conditions and Reasons and Advices 2017 document. Examples of potential ways the Plan would be of assistance is specifying the siting of construction compounds outside of the park or green space; ensuring adequate crossing points are provided across routes so that parts of the park or green space do not become isolated and paths (formal and informal) are not obstructed; and scheduling works when fewer people use the space. See also Points 2), 3) and 4).</p> <p>4) Construction of the infrastructure, and its ancillary works is carried out in a manner so to minimise the negative impacts on the purpose and functions of the park and green space involved. See also points 1), 2) and 3) above.</p> <p>5) Restore the relevant areas back to their original condition or better.</p> <p>6) Enhance the park and green space affected as part of the proposals.</p> <p>It should be noted that there is already a legal duty on Local Authorities to enhance biodiversity, reinforced by the Environment Act 2021. Condition 5 needs to change to reflect this. Is it now legally acceptable to just to aim for “no net loss” of biodiversity?</p> <p>Use of the powers</p> <p>We are opposed to the potential for a one size fits all approach to how the powers are to be applied. Each park and green space must be carefully considered, in line with the points above. Even more importantly, consultation with local communities (including parks groups) from the start of the design of proposals, construction and into maintenance, must be carried out. Often local groups have detailed knowledge of how a park or green space works and potential constraints. These are often more detailed and more up to date than sources of digital information searched when drawing up proposals. The text of the Order, or Statement of Reasons, must be changed to reflect these two points.</p> <p>Finally, we ask that all monies from CIL (or its successor if brought forward) or S106 agreements are spent on the park and green space affected.</p>	<p>reference to construction compounds / storage sites, these do not form part of the description of the development as described in Part I of the Order. Therefore construction compounds / storage sites are not permitted by the Order and would be subject to other planning consents or existing permitted development rights that may be afforded.</p> <p>In relation to point 5, Condition 14 (previously Condition 13 of the Draft Order) of the Order requires that prior to the expiry of ninety working days from date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time is granted by the LPA. Condition 14 of the Order has been amended to include “<i>or variation in approach</i>”:</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p> <p>With regards to, BNG requirements do not come into effect until November 2023 and therefore do not apply for this Order. In terms of ‘no net loss’ the Order includes Condition 14 (formerly Condition 13 “Reinstatement”) that states following the completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed</p>
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		<p>prior to such works taking place unless an extension of time <i>or variation in approach</i> is granted in writing by the local planning authority. Condition 3 and 4 of the Order also seek to ensure adequate protection of existing trees and hedgerows, maintain a health landscape scheme. Condition 5 also seeks to avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy BCS9 of the Bristol Core Strategy.</p> <p>Community Infrastructure Levy and section 106 agreements are not required as part of the Order given the nature of the work.</p>
Centre for Sustainable Energy	<p>We welcome the proposed Heat Network Local Development Order in principle. It will enable the council to speed up the rollout of district heating across the city, which is necessary for decarbonisation.</p> <p>However, given the extent of the network which will span the whole city, we think more consideration should be given to the potential cumulative impact of above ground structures upon the public realm, particularly where these could be developed within areas of public open space without the need for planning permission.</p> <p>Therefore, we would suggest that part II Restrictions on Development be amended so that planning permission is required for above ground structures, buildings and pipework .</p> <p>We also anticipate that where possible pipework will be installed in locations where "soft dig" is possible to minimise costs and support this approach. However, it is important that the land be made good, ideally so that members of the public would be unaware of the existence of the heat network beneath the ground. This is addressed in condition 13, but this provision stressed the timescales within which the work must be completed rather than how the land is made good. We recommend the following revised wording (additions in "quotes").</p> <p>13. Reinstatement Prior to the expiry of ninety working days from date of completion of the</p>	<p>The Centre for Sustainable Energy's support in principle for the Heat Network Order has been noted. Other representations raised by the Centre have been addressed below.</p> <p>In terms of above ground structures, it is anticipated that the works will involve limited above ground infrastructure. Part II of the Order ("<i>Restrictions on Development</i>") restricts the size of above ground infrastructure stating that cabinets, buildings, structures or enclosures that exceed 1.4m in height above ground level or 2.5 cubic metres in external volume would not be permitted by the Order. The colour and materials of any above ground infrastructure shall also be specified and agreed in writing with the LPA. It is considered given the minimal anticipated above ground works and restrictions on size, colour and materials that this is acceptable.</p> <p>Additionally, following the conclusion of the consultation, the Order excludes identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development is not</p>



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	<p>installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time "or variation in approach" is granted by the local planning authority.</p> <p>Reason: To ensure that all land over the Bristol Heat Network is reinstated promptly and to an appropriate standard "to safeguard the character of the public realm and public open space".</p> <p>There is the potential for the works to be quite disruptive for temporary periods, and therefore it is important that the works (and the construction environmental management plan) are supported by community consultation and engagement to explain why the works are needed in the context of carbon reduction and the cities net zero targets, and how disruption will be managed and mitigated.</p>	<p>permitted by the Order in these locations. Given the restrictions on above ground infrastructure and removal of identified district parks, local parks, woodland and playing fields, it is considered that these restrictions are sufficient in preventing an adverse cumulative impact.</p> <p>In relation to reinstatement, Condition 14 (previously Condition 13 of the Draft Order) of the Order would require those undertaking the work to reinstate the site to the previous condition which existed prior to works taking place. Condition 14 has been amended to include "<i>or variation in approach</i>":</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p> <p>Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. Representations regarding community consultation and engagement have been noted and the relevant teams within Bristol Council have been notified for follow on actions, if necessary.</p>
Sustainable Planning Group	<p>On the Bristol heat network LDO, I am torn between my advocacy of heat networks as essential for decarbonising heat in a densely developed area such as Bristol and concerns about how the process is being handled.</p>	<p>In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to</p>



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The importance of transparency and taking communities with decisions should be axiomatic. Yet here we have an important consultation largely held over the holiday period. This is allied with what seem to be legitimate questions asked by local politicians going unanswered <https://joannab.substack.com/p/the-12-billion-city-leap-questions>.

In this context, Simon's Roberts (Chief Exec of CSE) piece on meaningful consent from some years ago, notwithstanding the focus on onshore wind, remains a valuable lesson for decarbonisation across the piece <https://www.cse.org.uk/downloads/reports-and-publications/policy/renewables/Towards-meaningful-public-consent-for-action-to-cut-UK-emissions-CIFF-stimulus-paper.pdf>.

The LDO seems to be modelled on PDRs for telecoms, electricity etc. These PDRs are I believe normally focussed on operational land owned by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. This LDO gives planning permission for development on areas of green space enjoyed by the public. That will surprise some people when the development occurs. I very much agree that operational activity should be benefit from PDRs but I see no practical reason why applications can't be made for the rollout that establishes the network.

I'm also surprised given the potential scale of activity there isn't emphasis on co-design (not least any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design. The feeling of exclusion won't be helped by the provisions relating to approval of details where in the absence of a decision the whatever can start at "the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority".

provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.

With regards to the consultation process on the Order, it is acknowledged that the consultation was undertaken over the December holiday period. However, to account for this, the consultation period was extended and ran from 14<sup>th</sup> December 2022 to 20<sup>th</sup> January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, consultees were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.

In terms of co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design, the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.

With regards to the 28 day written approval timescale, it should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate



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		the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days is a standard and sufficient timeframe for the LPA to provide comment on the submission.
Marine Management Organisation	Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.	<p>This has been noted. As set out in Part IV (<i>"Other Statutory Requirements"</i>) of the Order, whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation.</p> <p>It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by the appropriate persons or bodies.</p>
Persimmon Homes	Thank-you for your recent contact via our safety concerns portal. Having looked at the nature of your email this has been re-directed to Persimmon Homes Severn Valley. Someone from this business will be in contact with you as soon as possible regarding the matter.	This has been noted. No further response was received from Persimmon Homes.
Health and Safety Executive	<p>HSE is the statutory consultee for planning applications that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p> <ul style="list-style-type: none"> <li>contains two or more dwellings or educational accommodation and</li> <li>meets the height condition of 18m or more in height, or 7 or more storeys</li> </ul> <p>"Dwellings" includes flats, and "educational accommodation" means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.</p> <p>However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because it does not relate to a relevant building is not met.</p>	This has been noted.
Bristol Tree Forum	Whilst we welcome the introduction of community heating networks as part of our drive to decarbonise energy consumption and Bristol's economy, we are concerned that what is being proposed runs counter to	The Bristol Tree Forum's (BTF) comments noting that they welcome the introduction of community heating networks as



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other commitments that Council has adopted, not least the need to engage with local communities and involve them in decision making and the commitment to protect our green spaces and address the ecological emergency.

We also see no reason why this consultation needs to be rushed through without sufficient time to engage with stakeholders and other interested groups. The importance of transparency and taking communities with decisions should be axiomatic.

This proposed Local Development Order (LDO) appears to be modelled on Permitted Development Rights (PDRs) for telecoms, electricity etc undertakers. These PDRs are normally focussed on operational land owned or controlled by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. We note that this LDO will give Permitted Development Rights (PDR) for development on land which may not be owned or controlled by the undertaker, in particular, of Public Parks and Green Spaces which may be enjoyed by the public. This will surprise many when development starts without prior consultation or notice. This needs to be addressed.

It also needs to be made clear that this LDO will not override the principles and obligations set out the Local Development Plan.

Whilst we accept that operational activities should benefit from PDRs, we see no practical reason why these applications should not be made ancillary to the formal planning application seeking to establish the proposed network.

We are also surprised that, given the potential scale of activity, there is no emphasis on codesign (not least given the potential impact on green spaces) and that no meaningful opportunity for affected residents, stakeholders and other interest groups to input to any scheme design has not been designed into the LDO. The feeling of exclusion that this will engender will not be helped by the provisions relating to approval of details where, in the absence of a decision, the permitted development can start regardless at “the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.” As it is highly likely that the sort of works envisaged by this LDO will involve excavations in or close to the roots of trees or hedges. In order to protect tree roots in these circumstances, we have added a paragraph which states that ‘any trenching undertaken within or close to the root zone of any tree hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.’

part of our drive to decarbonise energy consumption and Bristol’s economy have been noted.

Other representations received have been addressed below.

In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.

To confirm, the Order has been developed in accordance with the Local Plan with the Statement of Reasons setting out how the Order aligns with national and local policy. The Order would not override the policy outlined in the Local Plan.

With regards to consultation, it is acknowledged that the consultation was undertaken over the holiday period. However, to account for this the consultation period was extended and ran from 14<sup>th</sup> December 2022 to 20<sup>th</sup> January 2023 for a total of 38 days. The statutory consultation period is 28 days. To understand representations received further, the BTF (as well as other statutory and non statutory consultees) were engaged after the consultation period completed. These consultees were engaged via online meetings. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken.





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Part IB

Whilst we accept that operational activities should benefit from PDRs, we see no practical reason why these applications should not be made ancillary to the formal planning application seeking to establish the proposed network. We would prefer to see this part removed altogether to be replaced with a requirement that heat network undertakers make applications for permission in the usual way, perhaps as a result of conditions imposed in the establishing permission. In this way the process would be transparent and allow local communities and other stakeholders to engage with the proposals.

Development comprising the installation or removal of a heating transmission and/or distribution system and/or ancillary or other infrastructure on or under a Public Park or Green Space is excluded from Permitted Development and must be made by an application ancillary to the principal planning application establishing the heating network

Part II

e) any development *which is within the Impact Risk Zone of a Site of Special Scientific Interest and which will have, in the opinion of Natural England, an adverse impact upon the Site of Special Scientific Interest*

i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site, Local Nature Reserve, *Important Open Space, part of the Wildlife Network or a Wildlife Corridor, Unidentified Open Space or Urban Landscape or be likely to affect Protected Species or Species and Habitats of Principal Importance (protected under BCS9, DM17, DM19 pursuant to condition [5] to this Order; or*

Part III

Inclusion of *'the Biodiversity Metric' means the habitat-based approach used to assess an area's value to wildlife which uses habitat features to calculate a biodiversity value as published from time to time by Natural England.*

Inclusion of protect sites including *Important Open Spaces, part of the Wildlife Network or a Wildlife Corridor, Unidentified Open Space or Urban Landscape or be likely to affect Protected Species or Species and Habitats of Principal Importance*

Moreover in terms of the 28 day period for written approval, it should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days is a standard and sufficient timeframe for the LPA to provide comment on the submission.

With regards to excavations in or close to the roots of trees or hedges, Condition 3 of the Order states there shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA to ensure protection of existing trees and hedgerows. Amendments have also been made to the Order to include an informative that NJUG guidelines should be followed.

Pat IB

Following consultation and further engagement with consultees, amendments to the Order have been made to exclude identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map . Therefore, development in these areas is not permitted by the Order. A response on PDR has been noted above.

Part II

Proposed wording to (e) and (i). It is considered restrictions set out in Part II (restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI) would be sufficient given the nature of the works. Natural England have been engaged during the development of the Order and have also provided representations. Natural England confirm that the Order requires the adoption of best practicable means to reduce dust generated during the construction phase. Based on the





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<p>Condition 3 Trees and Hedgerows  <i>Root removal or reduction. Inclusion of Any trenching undertaken within or close to the root zone of any tree or hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.</i></p> <p><i>Condition 5</i>  Where the installation is <i>proposed</i> in any <i>Public Park(s)</i> or <i>Green Space(s)</i> outside of the highway boundary (as shown on the Order Map) or <i>is likely to cause an adverse impact on any protected species and/or any protected sites, will be required to produce ecological and biodiversity surveys with a Biodiversity Metric calculation demonstrating that at least 10% biodiversity net gain will be achieved. A Landscape and Ecological Management Plan</i> shall also be submitted and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details and <i>Landscape and Ecological Management Plan</i>.</p> <p>Informative:  Inclusion of <i>Important Open Spaces, Wildlife Corridors, Unidentified Open Spaces and Urban Landscapes</i>.  Relevant surveys <i>will</i> include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive.</p> <p>Condition 6  Inclusion of <i>All works likely to have an impact on these heritage assets will be undertaken in accordance with BCS22 &amp; DM31.</i>  Inclusion of design and materials of <i>the proposed</i> development...</p> <p>Condition 7  Inclusion of <i>All works likely to have an impact on these heritage assets will be undertaken in accordance with BCS22 &amp; DM31.</i></p> <p>Condition 8  Within <i>90</i> days</p> <p>Part VII Monitoring and Review  This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made, <i>or at the time that a revised development plan is adopted (currently at the Rule 18 consultation</i></p>	<p>documents submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p> <p>Proposed wording which references <i>Important Open Spaces, Wildlife Corridors, Unidentified Open Spaces and Urban Landscapes has been noted</i>. Amendments to the Order have been made to include restrictions to development in areas identified as district parks, local parks, woodland and playing fields. Therefore it is considered this is sufficient, given the type of works.</p> <p>Part III  Proposed wording to ‘biodiversity metric’ has not been included due to the nature of the works.</p> <p>Condition 3  As noted above, amendments have also been made to the Order to include an informative that NJUG guidelines should be followed.</p> <p>Condition 5  As noted above the Order and Order map have been amended to remove identified district parks, local parks, woodland and playing fields. BNG is not relevant to the Order as BNG will not come into effect until November 2023. Reference to a ‘landscape and ecological management plan’ has not been included as Condition 5 requires the submission of relevant surveys and proposals for mitigation and habitat reinstatement and therefore it is considered this is sufficient to ensure appropriate surveys and detail is provided.</p> <p>Condition 6 and 7</p>
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	<p><i>stage</i>) to ensure the objectives of the <i>development plan and this</i> Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations</p>	<p>With regards to additional wording as part of Condition 6 and Condition 7 of the Order, it is not intended to amend Condition 6 or 7 to include 'all works'. It is considered the current wording is sufficient to minimise visual impact of new development again heritage assets and to ensure archaeological remains and features are recorded prior to their destruction.</p> <p>Condition 8 Condition 8 will be retained and continue to state 'ninety' days.</p> <p>Part VII Proposed wording on Part VII has been acknowledged. To confirm, the Order may be reviewed upon the adoption of any replacement Local Plan.</p>
North Somerset Council	North Somerset Council has no comments to make in this instance.	This has been noted.
Friends of Badock's Wood	<p>The field shown on the LDO map in Badock's Wood forms a contiguous part of Badock's Wood. It is managed for nature and has also been earmarked by the Nature Recovery work of the local council, and described in their Nature Recovery Leaflet entitled "Nature recovery in council owned parks and green spaces in Bristol" (2022) as "where we see the best opportunities to create new wildlife spaces and improve what is existing. This work is part of the council's commitment set out in its Ecological Emergency Action Plan and will help deliver the One City Ecological Emergency goal of 30% of land in Bristol being managed for the benefit of nature."</p> <p>This field has been managed for nature since its removal from sports use in Spring 2017 as it is contiguous with the designated Badock's Wood Local Nature Reserve, and is bounded by ancient hedgerows. The hedgerows date back hundreds of years and the hedge / ditch / bank system on the Horfield side of the field is considered to be likely to be 700 years old or older (Strange, N, 2017)</p> <p>The hedgerow adjacent to the public footpath on the Greenway Centre side of the field dates back certainly to the early 1800s and is most likely much older, as by the 1800s they included mature elm in the mixed hedge and remnant elm remain in the hedgerow today.</p>	<p>Much of Badock's wood is a designated Site of Nature Conservation Interest and Regionally Important Geological Site for which development has been restricted in the Order. Following on from the consultation on the Order, identified woodland has now been excluded from the Order.</p> <p>Therefore development in Badock's Wood is not permitted via the Order. In addition, the field adjoining Badock's Wood also forms part of the Badock's Wood woodland allocation. As a result, the field is also excluded from development permitted via the Order.</p> <p>In terms of the areas of hedgerow, these areas are located within the woodland allocation and so development is not permitted via the Order. Furthermore, wildlife using this hedgerow and field would not be impacted by development in these locations.</p>



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The hedgerow to the north east is also part of the ancient woodland and surveys and historical documents (Strange, 2017, Know Your Place 1844-1888) have dated this woodland to many hundreds of years old. The woodland in Badock's Wood is recognised by Defra as "ancient woodland" and is also identified as priority habitat woodland (deciduous).

The woodland is considered so valuable that it was named one of the 70 Queen's Green Canopy Ancient Woodlands in 2022 because of its heritage, trees and wildlife importance. The trees and hedgerows surrounding the field identified in the LDO for permitted development form an integral part of this historic and wildlife important site.

Any works associated with the development and / or delivery of a Local Heat Network on this site would have an adverse impact on the ancient hedgerows, ancient woodland and the valuable and diverse wildlife of the site. It is not possible to mitigate damage to or reinstate ancient trees or hedgerows for example. The whole ecology would be disturbed from the soil through the invertebrates to the birds and mammals living in and using the site.

Species protected under the Wildlife & Countryside Act 1981 which would be affected by any works on this land and the surrounding boundaries include badgers, bats, birds including tawny owls, etc. Bats regularly feed over the hedgerows around the field and have been recorded there by bat ecologists. Badgers live in Badock's Wood and regularly use this hedgerow and the field to travel between their setts located in Badock's Wood and in Bristol Deaf School Grounds at Elmfield. (Bristol Parks Dept organised the removal of a dead badger from the hedgerow on the Greenway Centre side of the field in 2022 and took photographic evidence. Photographic evidence of badgers on the path at the top of Dark Lane between their sett at the school and the wood is also available.)

The field identified in the LDO map (though not visible on the detailed map as a number 3 obscures it) is listed as Local Green Space in the Local Plan following the consultation in 2017. It is not differentiated in any way from the rest of the Badock's Wood site and forms an important part of the ecological whole of Badock's Wood and the wider wildlife corridor of which it forms part.

Following the removal of the field from formal sports use 6 years ago and its management for wildlife ever since, along with it having been identified for wildlife enhancement in the Nature Recovery Network, we anticipate its inclusion within the LNR designation. Badock's Wood LNR includes several wildlife meadows of which this field is now one.

More generally, Condition 3, 4 and 5 seek to ensure adequate protection of existing trees and hedgerows, ensure maintenance of a healthy landscape scheme and to avoid impacts on protected species and sites and ensure no net loss of biodiversity or adverse harm to protected species.

As noted in Friends of Badock's Wood representation, a SAM comprising a round / bowl barrow is located in Badock's Wood. Based on the exclusion of identified woodland from the Order, work in this area and immediately surrounding is not permitted.



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	<p>Also just a few metres from the field is a Bronze Age burial mound. This is an important scheduled Ancient Monument and its proximity to the field and the potential for harm from any works near it, particularly the movement of large plant such as excavators, should not be underestimated.</p> <p>Referenced description of development.</p> <p>This would be wholly inappropriate and seriously damaging to this LGS site, the LNR, the Ancient Monument, and the impact on the biodiversity of the site would be significant. We also note that the Trym Valley Open Space to the north east of Badock's Wood, which also forms a contiguous natural site, and is also recognised and as part of the important areas for the Nature Recovery process in Bristol, as part of Bristol's meeting is targets under the Ecological Emergency Action Strategy and Plan. It has recently had a large number of trees planted in the previously grassland areas. It is also flood plain and would be unlikely to be suitable for a ground source heat pump array.</p> <p>Badock's Wood Field should be removed from the LDO Map and not included in this permitted development along with Trym Valley Open Space – both located in Southmead Ward.</p> <p>We also note that the LDO has not identified green spaces that it owns that are not public parks and green spaces for this LDO and do not understand why a field around a community centre that is not managed for wildlife, is not included in this proposal when valuable nature sites such as Badock's Wood are included.</p>	
Bristol Disability Equality Forum	<p>Representations on the public consultation:</p> <p>The map provided in the Bristol Heat Network consultation does not have any road names on it, making it inaccessible to comment on or give an informed response to the consultation. You requested a version of the map which has street/road names .</p> <p>Representations on the Bristol Heat Network Order:</p> <ul style="list-style-type: none"><li>• The provision of safe and accessible alternative routes (must be included, both for parks and other footpaths affected) instances where road closures are required. It was highlighted that in many instances temporary drop curbs are either not provided, or, where they are provided they are not appropriate or suitable for those with mobility issues. Often dropped curbs are either too steep or too narrow for use by wheelchair users.</li><li>• In instances where permits are not required for road closures, e.g. where Heat Network routes are through green spaces, there needs to be procedures put in place to ensure that suitable and accessible alternative</li></ul>	<p>Firstly, the representation received on the public consultation were taken into account. An interactive version of Draft Local Development Order Map was embedded on the Ask Bristol web page which allowed users to zoom in to view road names and some building names. The Order, if adopted, will be accompanied by a permanent link to online mapping.</p> <p>The Libraries Team were contacted and provided with a copy of the site notice so it could be printed and displayed for library users to access.</p> <p>Representations made on behalf of the Bristol Disability Equality Forum were included as a formal consultation response.</p>



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	<p>routes (must be included, both for parks and other footpaths affected) are provided. It cannot be relied upon that contractors will provide these routes if the assumption is that they are not required because the route is through a park.</p> <ul style="list-style-type: none"> <li>• The local planning authority has an obligation to ensure that safe and suitable alternative routes (must be included, both for parks and other footpaths affected) are provided alongside all development with the LDO.</li> </ul>	<p>In terms of representations made on the Order, Part IV ("Other Statutory Requirements") of the Order sets out that whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the LPA, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.</p> <p>Statutory procedures outlined within other legislation, such as the NRSWA 1991 (Section 50 and 61 licences), will therefore still apply and will therefore still require safety measures as identified in the Act, having regard in particular to the needs of people with a disability.</p> <p>With regards to routes through green spaces, it is acknowledged that many green space do not fall within the definition of a highway or street and therefore do not benefit statutory procedure outlined in the NRSWA. To take this into account, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no development will be permitted in these areas.</p>
Bristol City Council Nature Conservation (SCR)	<p>The various sites across the city included in the proposed Bristol heat network (BHN) Local Development Order (LDO) are located on existing hard standing (roads) and as such are not anticipated to have a direct impact on any designated wildlife sites or protected species.</p> <p>The supporting documents of this screening opinion application state "The LDO restricts development on any site designated as a Site of Special Scientific Interest (SSSI), Site of Nature Conservation Interest (SNCI) and Local Nature Reserve (LNR), many of which are found within the River Avon basin and its surroundings.</p>	<p>This has been noted. Condition 11 CEMP requires the submission and approval of a CEMP. Condition 11 states that the plan should include, but is not limited to, the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, light pollution and dust. It should be noted that the Condition 11 wording has been amended to state '<i>mitigate</i> the effects...' and '<i>light pollution</i> and...'.</p>



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	<p>As per restriction (e), no development is permitted within 50m of a SSSI, or development on previously undeveloped land within 200m of a SSSI”.</p> <p>In addition to this, as stated in the Habitats Regulations Assessment – Stage 1 (Mott Macdonald, 2022) “where the BHN is within proximity to [SSSIs, SNClS and LNRs], the LDO specifically excludes any above ground infrastructure, and specifies that the works will require the Local Planning Authority’s (LPA) prior written approval of appropriate surveys, scheme of mitigation and habitat reinstatement”.</p> <p>Therefore, there is no significant impact on the environment anticipated as a result of these proposed works. Potential effects (e.g noise, dust, etc) should however be considered in the proposed Construction Environment Management Plan (CEMP).</p> <p>The CEMP should also set out protection measures for trees and nature conservation sites in close proximity to the proposed works (e.g fencing and appropriate signage).</p> <p>From a Nature Conservation/Ecology perspective, a full EIA will not be required for these proposed works.</p>	<p>In terms of protection measures for trees and nature conservation sites, Condition 5 of the Order (‘Biodiversity, Protected Species and Protected Sites’) requires that where the installation is likely to cause an adverse impact on any green space(s) outside of the highway boundary, any protected species and protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted and agreed in writing with the LPA. Condition 11 (‘CEMP’) also requires the CEMP to include (not limited to), the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution. Furthermore, Condition 3 states there shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA. This is to ensure the protection of existing trees and hedgerows.</p>
Representation 1	<p>The details as to how it can help, the centre, Bedminster, temple etc. seem fatuous or tenuous at least or irrelevant to these comments.</p> <p>The longer the piping, the greater the cost and inconvenience of installing it and the greater the loss of heat between source and destination, encouraging supply from this source restricted to primarily the Avonmouth Ward and perhaps to out of county sites Severn Beach etc. We are talking of activity around the city's border, so cross border discussion appears relevant.</p> <p>It is the communities in Avonmouth, Lawrence Weston, Shirehampton and presumably Severn Beach and others who are mostly affected by the waste, the flies, the traffic resulting from this trade, the smells and who consequently should be the first to benefit from any such bunce from cheap environmentally friendly heating. It is also the people in this ward who are the most adversely affected by the over concentration of the waste industries arising in the area as a result of not contesting the councils’ strategies. This is a scarce and limited resource which should be tapped but also needs to be kept local.</p>	<p>Currently, due to the nature of the works it is not possible to anticipate the exact detailed route of the network at this stage. The Order covers the administrative boundary of Bristol City Council administrative boundary (subject to the Order requirements).</p>
Representation 2	<p>In 1974-5-6 I took my National certificate in Engineering at Brunel Tech achieving a distinction in Thermodynamics thats energy transmission and transfer. I spent 40+ years in engineering in Bristol keeping the plant running and efficient I have never heard of such a ridiculous plan to distribute heat to homes over a city.</p>	<p>This has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p>



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	<p>This cheap energy if we look at the other applications filed for Bristol Energy it's a Diesel Dump, so this cheap and renewable resource is no such thing what we are looking at is a number of CCHP units where the heat by product of burning Diesel to make electricity in a four stroke Compression ignition engine which will not exceed 28% overall efficiency of which nominally 75% is electricity and 25% is heat product normally dissipated to local atmosphere.</p> <p>So, this application is misleading by the fact it's not clearly specific how it will achieve its green objectives nowhere does it say. Perhaps if Netham Weir had been completed that might go a small way to being green but it's not and as far as I can see it's not intended to be. I know what the heat losses are in pipes and how much fluid you have to shift to heat a factory or a row of houses in cold weather, and this plan cannot achieve the objective it states. It's to mislead and rip off the people who do not know or understand Thermodynamics.</p> <p>Firstly, Marvin Rees who is stupid and on a payroll nothing to do with BCC but more to do with those behind global cities!! And I know all about the WEF and its fake green agendas. Central Government are all on this payroll and are NOT. Working in the best interest of Bristol or its population or any other town or city in the UK. This is about forcing a system (which will not be cost effective on a populous against their will or choice mainly because most of them have never been taught or understand Heat and Power distribution. You can only make Bristol green at the expense of closing all business and industry down, so how does a diesel generator meet the clean air zone specification. It DOES NOT This is an extension of 8 massive generators installed at the SWEB site on Feeder Road. As for a few small distribution cabinets on the streets. Totally misleading buncum.</p> <p>Let's see a detailed application showing what is generating how many KVA and at what voltage, not some pretty coloured maps saying nothing. This is not an application or consultation it's a guess the cost we exercise of an unknown plan. And worst of all it was promoted by Rees and cost Bristol Rate payers 10 million.</p>	
Representation 3.	<p>There is an official council notice on the public highway near my home.</p> <p>I am 77 and registered blind. I find your on-line tools and maps etc very difficult to use.</p> <p>I tried to contact the planning office of BCC but was told yesterday 3<sup>rd</sup> January 2023 by BCC Development Manager, Business Support Officer – no name given – who told me: It is not a planning matter. It clearly is a planning matter.</p> <p>Then gives me the general enquiries line of BCC to ring.</p>	<p>Subject to any subsequent decision by the LPA relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption. The Order Map shall be kept under review and updated periodically by the LPA to ensure it reflects the up to date planning and policy designations from time to time. This Order shall be reviewed by</p>



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	<p>The lady had never heard of Bristol Heat Network. She put me through to a planning office line, which had an automated voice, Telling me I was first in the queue and had an 8 minute wait time – at 9:15am. No one picked up.</p> <p>I'd like to know the time framework involved in delivering the Bristol Heat network. Climate change is already upon us. Cf. the brutal heatwave of summer 2022. So is this a 2year/5year/10 year time span? How are the council going to engage with local neighbourhoods about the scheme? Importantly can this network of pipes deliver cooling as well as heating. Are the council willing to set up webinars or zoom meetings to discuss in more detail what the Bristol heat network is? It could just be a hopeful fantasy. I hope it isn't, of course. But can we have fewer deadlines for comments and more opportunities - ongoing to seriously discuss this, in relation to the actual areas of Bristol we live in. A lot of things are going to be involved such as feasibility studies, surveys, retrofits of old buildings making sure that there is very high specification insulation in all of them. The aim is surely to reduce energy consumption overall. So understanding how we can passively heat and cool our buildings is going to involve learning about the right technologies and making sure we train people to install and maintain them economically</p>	<p>the LPA at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.</p> <p>Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. The issue of ongoing engagement has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p>
Representation 4	<p>Object to Part III section 13 as drafted. This should be amended to allow council officers to specify the final post construction state, as the clause to require the road to be returned to how it was will leave our streets with poor design. Simple measures such as realigning kerbs or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.</p> <p>Failing that, there should also be an amendment to Part III section 12 to require the constructors to report ALL underground infrastructure encountered on the dig down, as this will help reduce future costs of street redesigns or redevelopment</p>	<p>It is considered that Condition 14 (previously Condition 13 of the Order) is sufficient to ensure land over the Bristol Heat Network is reinstated promptly and to an appropriate standard. Condition 14 of the Order has been amended to include "<i>or variation in approach</i>":</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p>





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		Comments regarding realigning kerbs and widening pavements have been noted however the Order only permits development as described in Part I of the Order.
Representation 5	<p>I am 100% supportive of sensible ways of decarbonising energy generation. Heat networks are not trivial installations, and they rely upon (depending on their detailed form) considerable infrastructure.</p> <p>Reference is made in this Order to the BHN, but very few of us have a clear idea about what is planned. This is crucial since in the recent past and in the years to come, individual households will make investments in low carbon heat in locations that may be future areas for expansion of the heat network. It makes no sense to do anything other than maximise the density of connections to the network in a given location, so the absence of a clear plan potentially gives rise to inefficiency.</p> <p>Broad areas targeted for expansion in the years to 2027 are indicated on the City Leap website, but we are left wondering what the implications of this Order are (is every street within those mapped zones to be dug up between now and 2027?).</p> <p>The recent conclusion of the City Leap procurement gives rise to further questions as to who will be the beneficiary of expansion to the BHN. The commercial relationships into which the Council has entered have been far from transparent. I would be extremely reluctant to support an Order which effectively hand over to a private contractor the right to develop a heat network wherever and whenever it wishes subject to the very limited constraints the Order would place upon them.</p> <p>This is all the more lamentable for the fact that the way in which the Order is presented makes no mention of the private companies effectively now responsible (to what extent is not 100% clear) for the BHN. The absence of any community consultation is also lamentable, as is the potential harm that may be caused to areas of green space, not to mention the potential for hefty disruption to homeowners from the proposed Order. There is limited protection for the amenity of residents also.</p> <p>This Order could have been handled very differently, The City Leap map for the period to 2027 does not include all the areas covered by the Order. Yet it does cover a wide area of the City. If the City intends to provide heating to all residents, it should be far more transparent in how it plans to do this, the terms upon which it will commit to provide this, and where and when the network will be expanded. This Order simply gives carte blanche to develop the network in a potentially poorly planned manner, and in such a way that it</p>	<p>To confirm, the Order covers the administrative boundary of the Bristol City Council, subject to conditions. It is not intended to develop every street identified on the map. A local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>To confirm, the heat network operator / developer is not restricted within the Order. However, as noted above the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.</p> <p>Additionally, in terms of the consultation process on the Order, it is acknowledged that the consultation was undertaken over the</p>



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	<p>stands to alienate many - such as myself - who would logically be supporters of the approach, and if better handled, of the Order itself. As the situation stands, however, I cannot offer it my support.</p> <p>Indeed, I find it highly dubious and I would strongly suggest a 'back to the drawing board' moment, with far more done by way of opening up to citizens what the Council has done, and is doing via its City Leap engagement, and working with residents of Bristol to gain more support for what is planned. Finally, the draft plan policies should not give hierarchical preference to connection to 'existing networks' given the ease with which local networks / individual provision should be implemented at new development, thereby freeing up the BHN to focus on existing homes where the genuine climate-related benefits will be more obviously generated (subject to the energy sources being of a suitable nature - i.e. they make no contribution to increasing global temperatures)</p>	<p>December holiday period. However, to account for this, the consultation period was extended and ran from 14<sup>th</sup> December 2022 to 20<sup>th</sup> January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, consultees were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.</p> <p>With regards to development on green space, following the consultation on the Order, identified district park, local park, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no works will be permitted via the Order on identified parks.</p> <p>Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. The issue of ongoing engagement has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p> <p>In terms of comments on the draft local plan policies, it is not within the scope of the Order to determine the wording of draft local plan policies as identified in the Local Plan review.</p>
Representation 6	<p>We, individuals, organisations, councils, etc must all do whatever we can to reduce our carbon footprint, if the earth is to survive, so this sounds like a positive move.</p>	<p>This is noted.</p>
Representation 7	<p>In the past, BCC blocks in Redcliff and Barton Hill were heated by centralised boiler plant with distribution by medium temperature medium pressure underground heating mains; these systems were maintenance intensive. What is proposed for the new heating mains to reduce maintenance? What heat loss limitation measures will be undertaken? What is the proposed distribution temperature and will this require calorifiers or heat pumps at the load end points.</p>	<p>The technical questions raised been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p>



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<p>Representation 8</p>	<p>Clarification on why a small area with postcode BS7 XXX is noted in green as 'area excluded from local development order'. Kindly contact those citizens with post codes BS7 XXX and BS7 XXX.</p> <p>Simple measures such as realigning kerbsides or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.</p> <p>Replace all underground supplies and sewerage/storm drainage as a mater of 21st century standardization</p>	<p>To confirm, the excluded area at this postcode refers to Grade II listed building Horfield Baptist Church.</p> <p>Comments regarding additional simple measures to streets have been noted. Condition 14 (formerly Condition 13 Reinstatement of the Order) has been amended to include “<i>or variation in approach</i>”:</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p>
<p>Representation 9</p>	<p>A vital project, providing it is in step with other developments.</p> <p>I have gas central heating and would dearly love to switch to a heat pump but an air source heat pump is not possible with freeholder's limits to exterior of the building (and council's planning consents). District heating network would be ideal if there were sufficient heat sources to maintain 60C and eliminate any need for heat pump but even at lower temperatures the district heat source would make water source heat pumps viable.</p> <p>Without a heat pump using just electricity would cost me around £7000/annum, while a water source heat pump would reduce that by around £2000, all at old electricity prices.</p> <p>Another reason for a district heating system would be the otherwise vast increase in electricity demand for all-electric heating at the same time as the demand for charging EBVs, while shutting down fossil fuel generation capacity.</p> <p>If this is not in place well before 2030 it will be too late</p>	<p>This has been noted.</p>



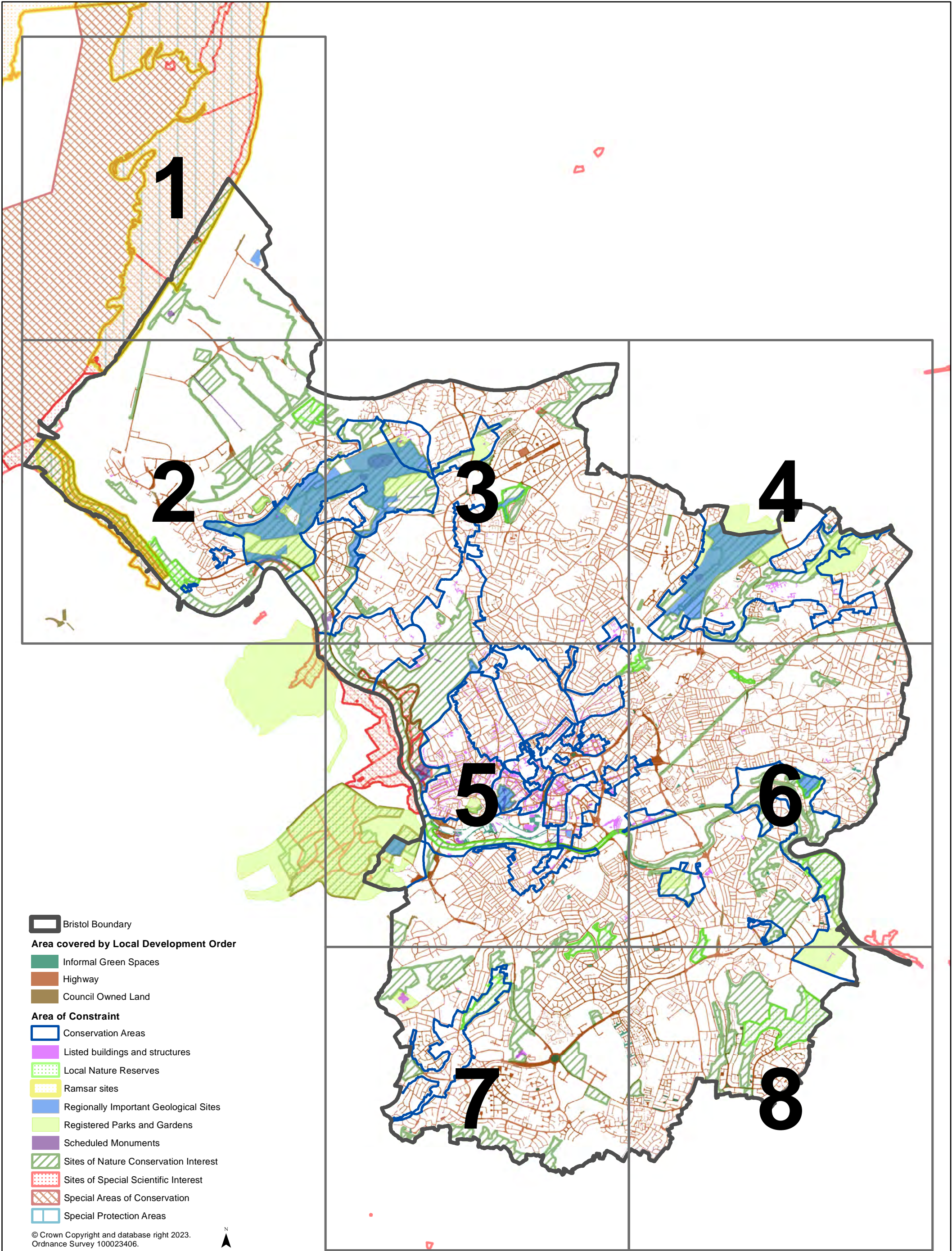
03.03.2023

Representation 10	This is a bold and ambitious plan! I look forward to being able to connect my property to the heat network to remove my dependency on gas	This has been noted.
Representation 11	<p>I understand and support the need for new and widespread infrastructure to enable carbon emission reductions across the city but notice within the map that some parks and green spaces are included, whilst others are excluded. Victoria Park is included in the LDO and I am concerned for its protection and preservation. Please could I clarify and request that these are protected from planning and development under this scheme?</p> <p>I also wish to note the vast development and disruption that has been taking place across Bedminster Green with Whitehall Lane due to start in the coming years. Traffic disruption, noise and building has been an issue for our neighbourhood and I would like to request that this is taken into any consideration during the scheduling of planned works under this order - either coinciding with current disruption where works overlap geographically or factoring in current disruption and building when planning works in the neighbouring areas</p>	<p>Identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development in identified parks, such as Victoria Park, is not permitted via the Order.</p> <p>Comments regarding construction impacts and works scheduling have been noted. Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order.</p>
Representation 12	<p>I am broadly supportive of District Heating, which represents an important step in decarbonising our heating. Moreover, living in one of the areas which has had poorest air quality in the city (and even country), I would welcome this as a way to prevent excess deaths due to respiratory illnesses.</p> <p>However I would like to state my concerns amidst this tentative support:</p> <ol style="list-style-type: none"> <li>1. It is not clear how local communities will be engaged with this undertaking as the disruption to our lives will be immense and we will need to consistently see the benefits of it.</li> <li>2. It is unclear how much social value is expected to be generated, particularly as the creation of jobs should involve local communities and include underrepresented and disadvantaged communities within the workforce.</li> <li>3. CO2 emitting sources must not be used as most of the benefits will be eradicated by burning biomass or other fossil fuel in CHP plants.</li> </ol>	<p>Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. Representations regarding community consultation, engagement social value have been noted and the relevant teams within Bristol Council have been notified for follow on actions, if necessary.</p> <p>The Order permits the transmission of the heat network and does not permit connections.</p>





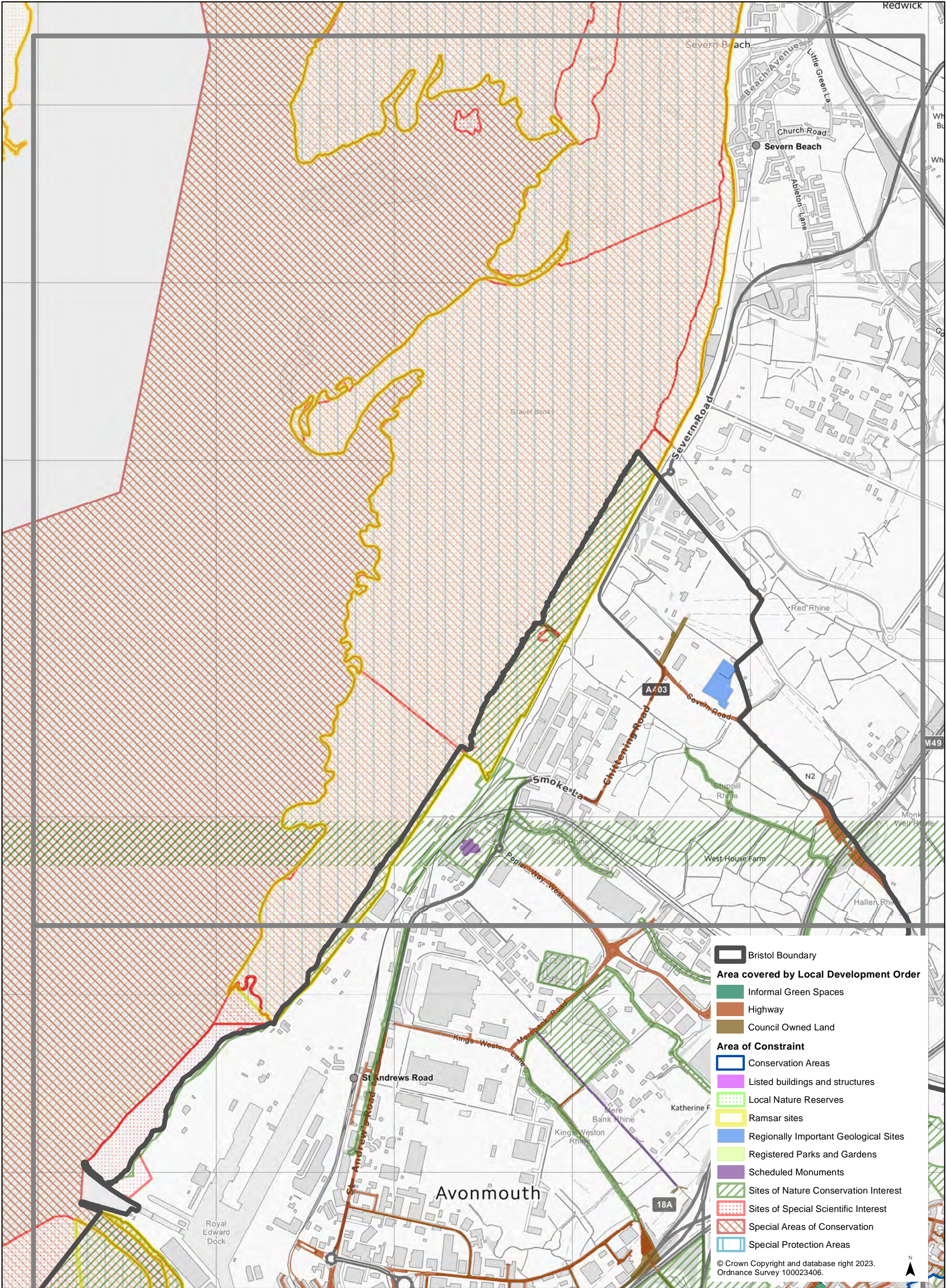
# Bristol LDO Policy - Map Index







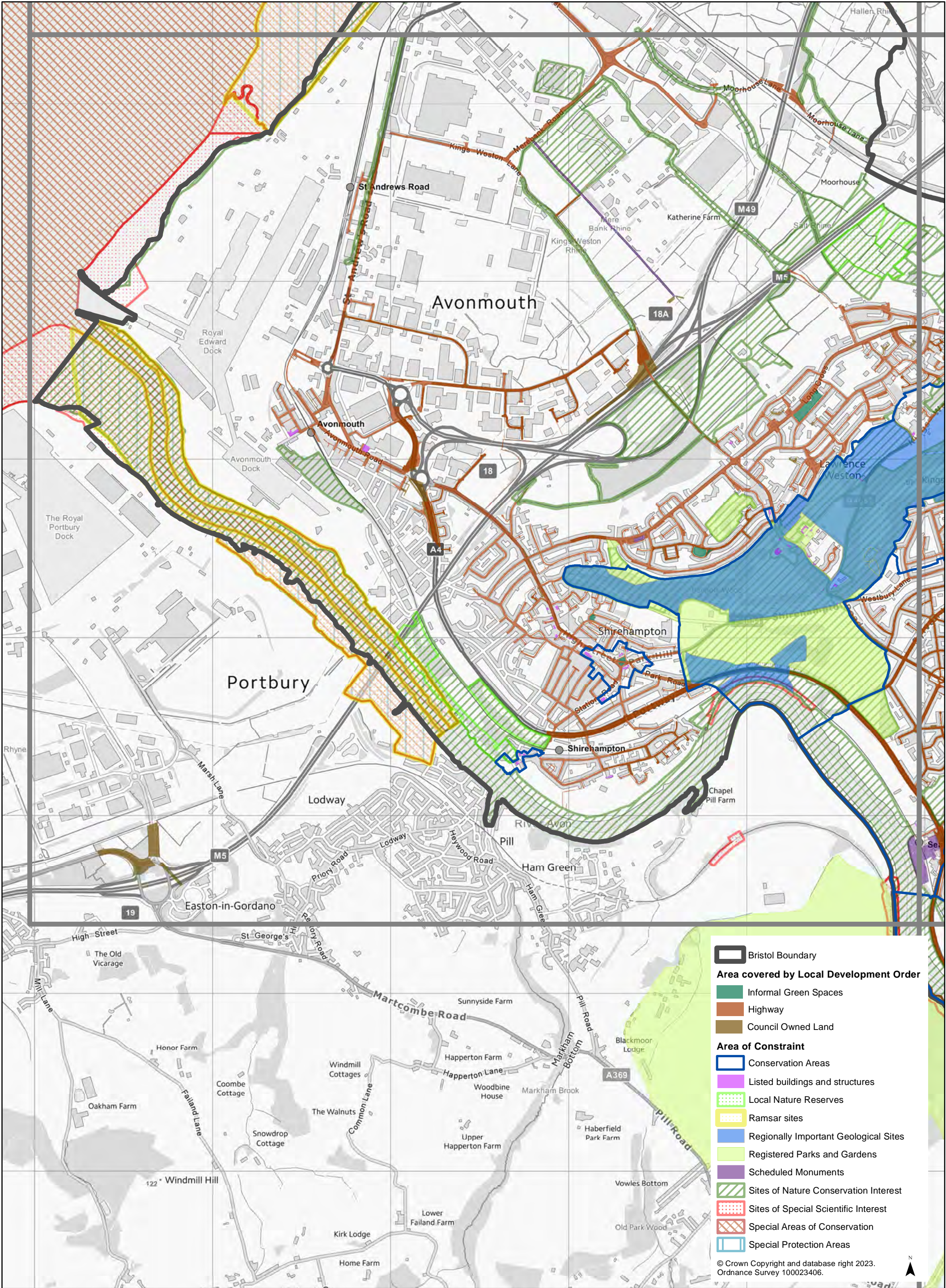
# Bristol LDO Policy - Map 1



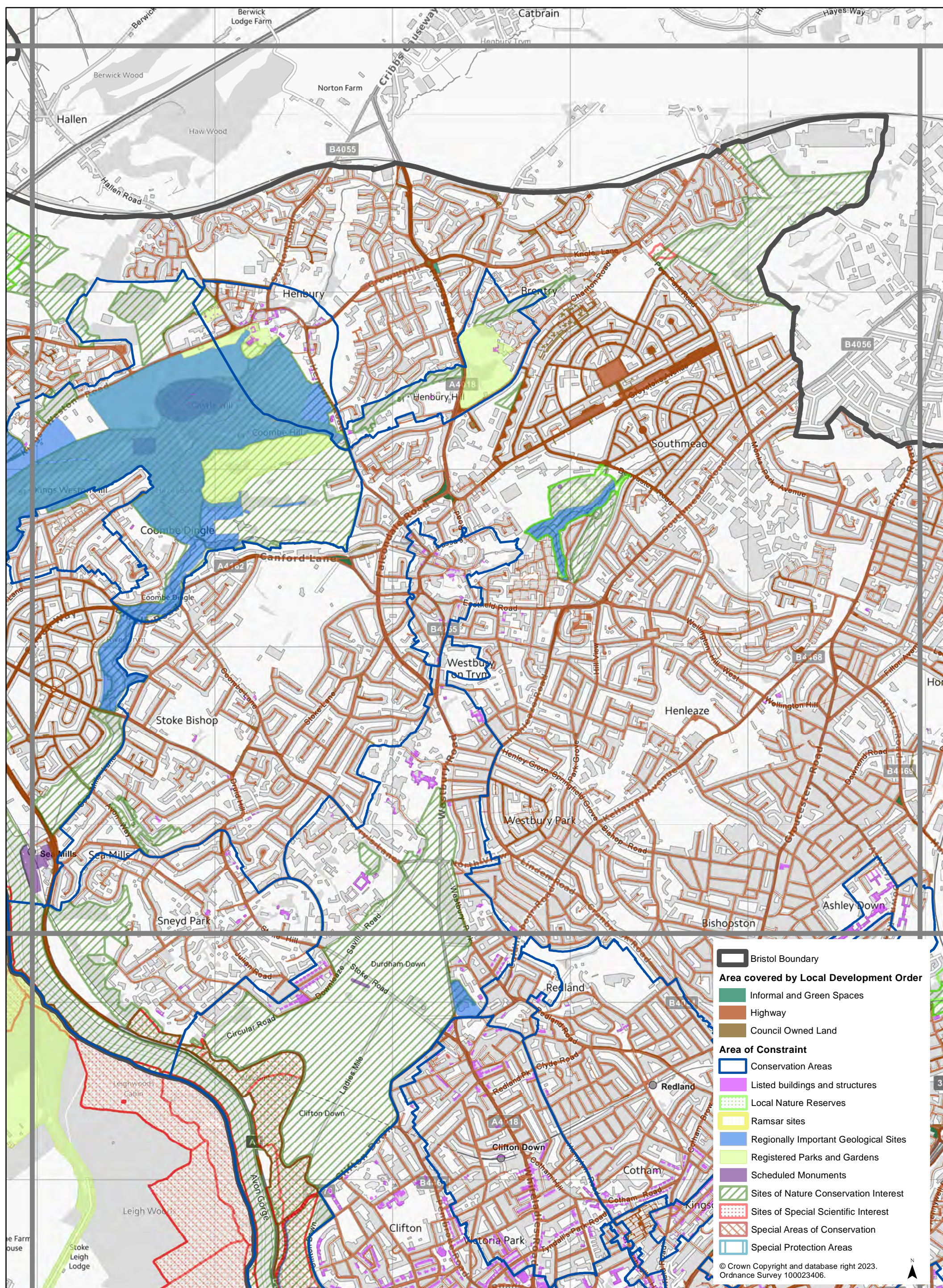




# Bristol LDO Policy - Map 2



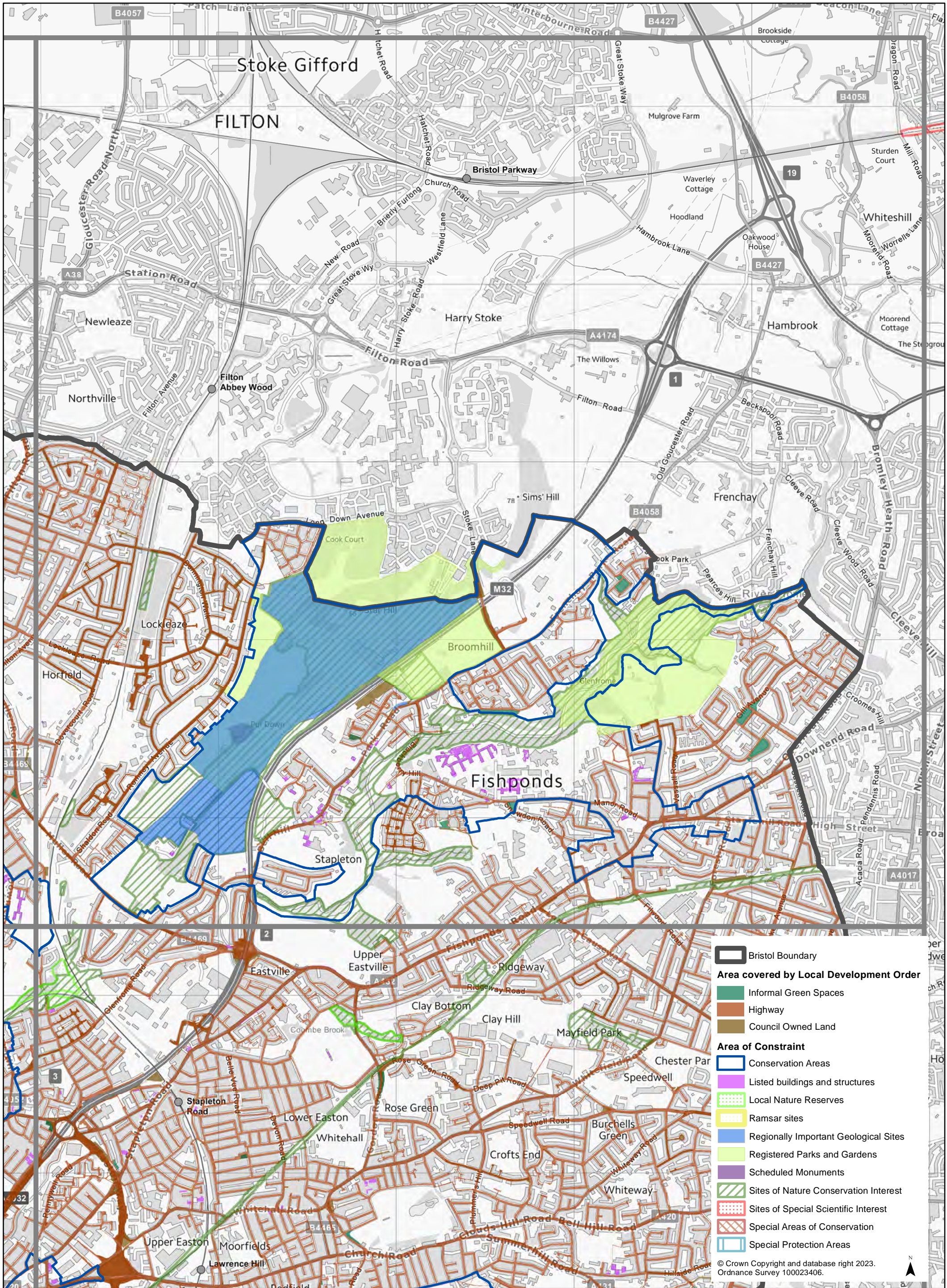




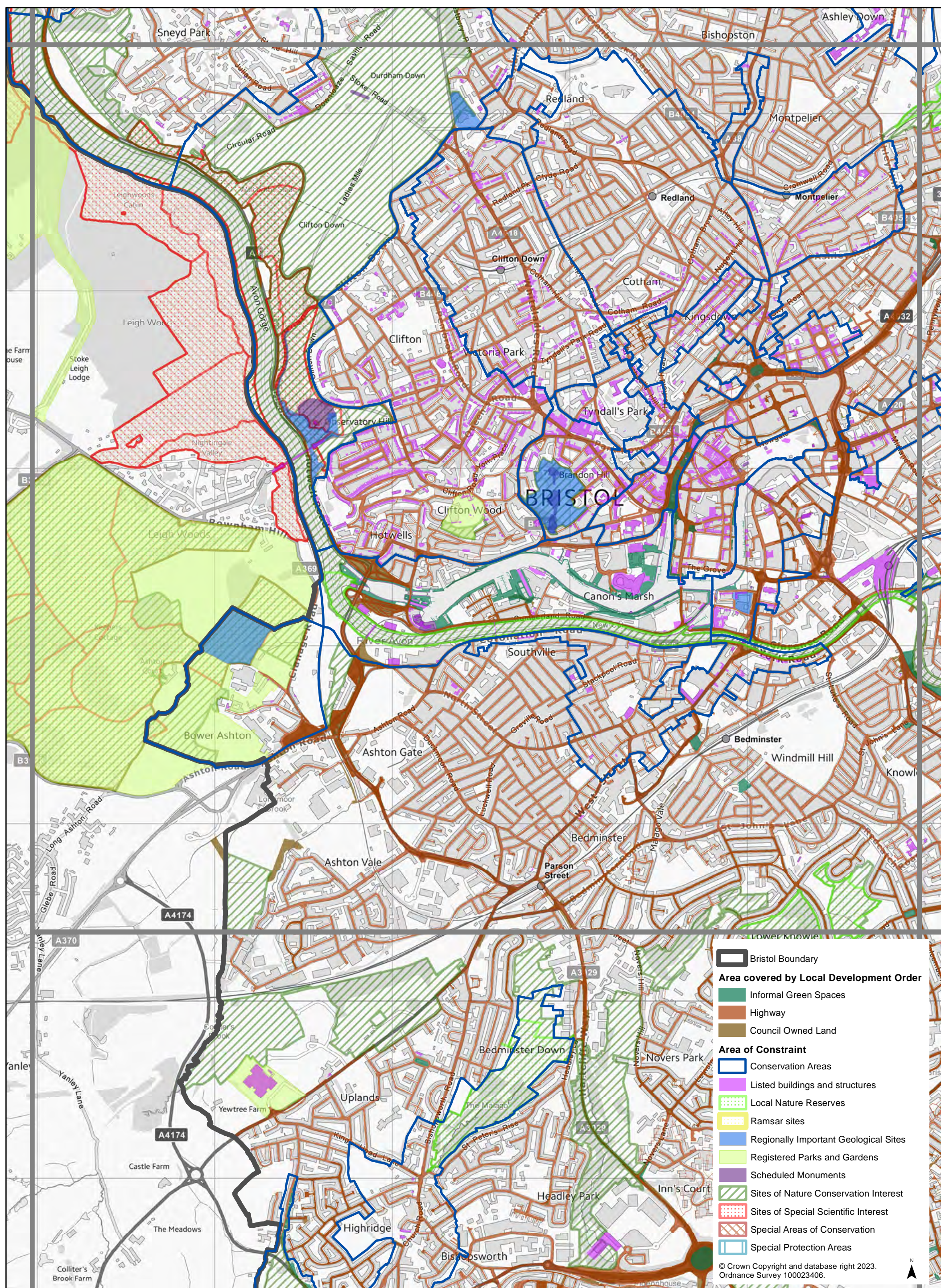




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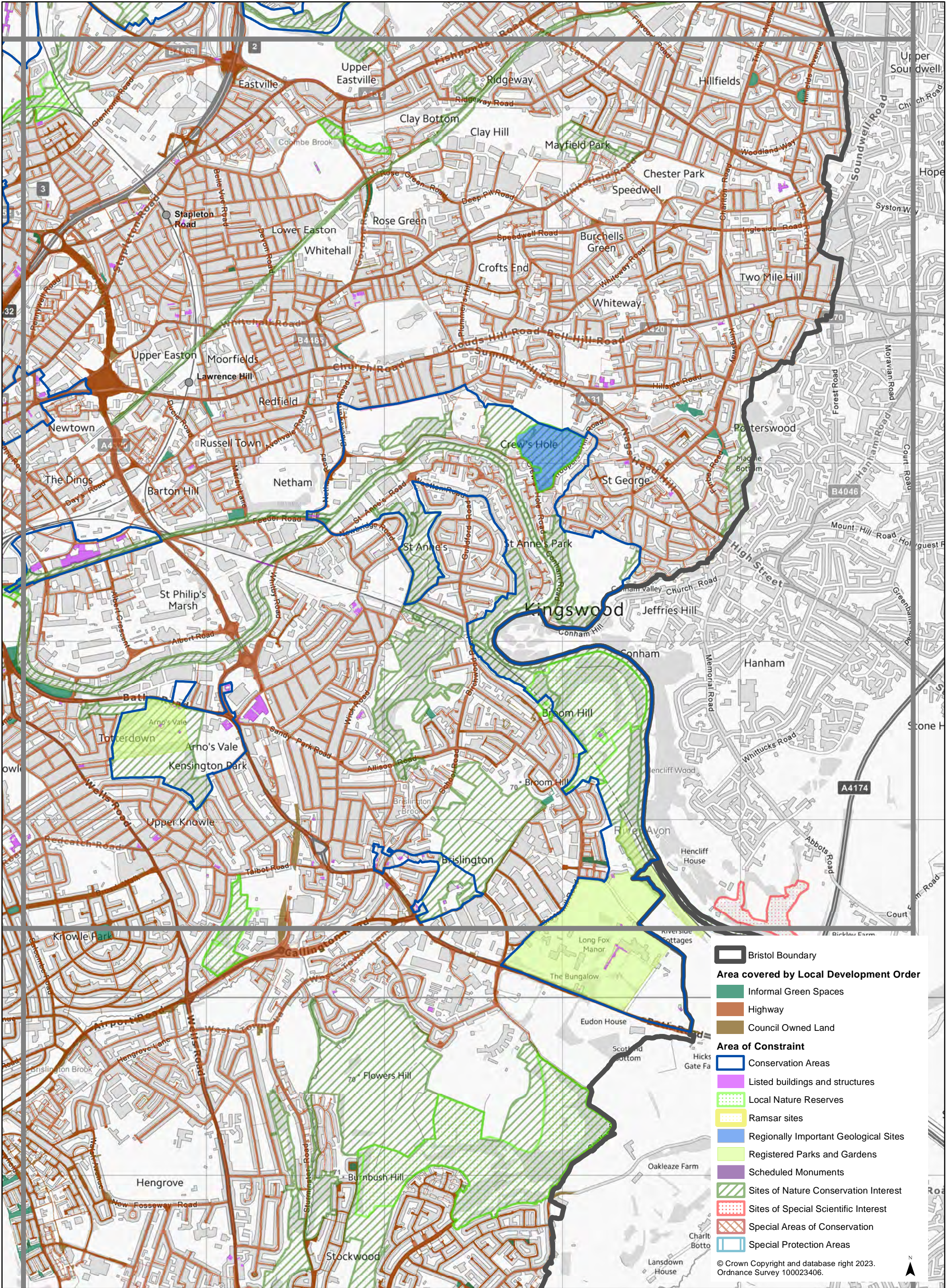








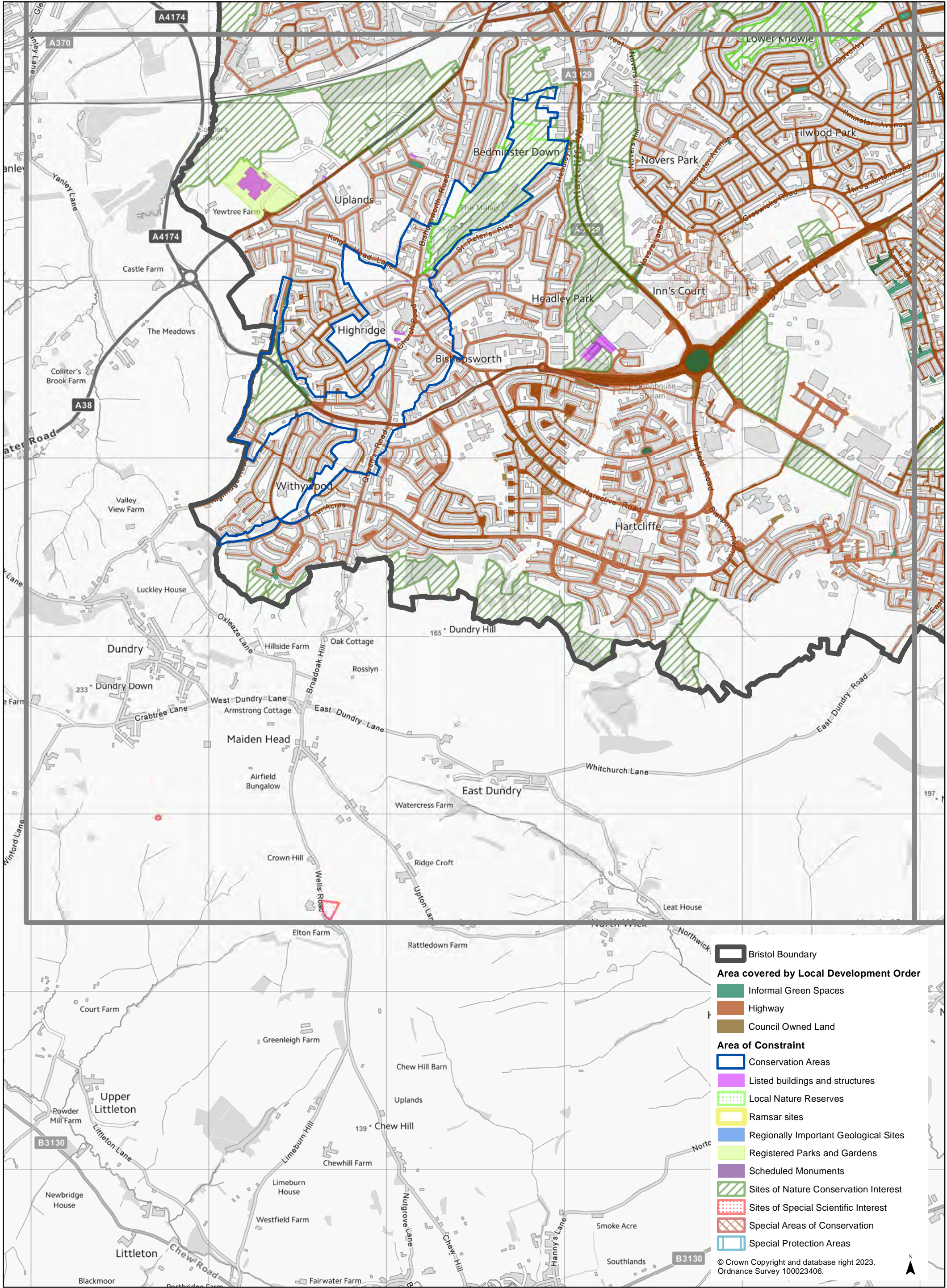
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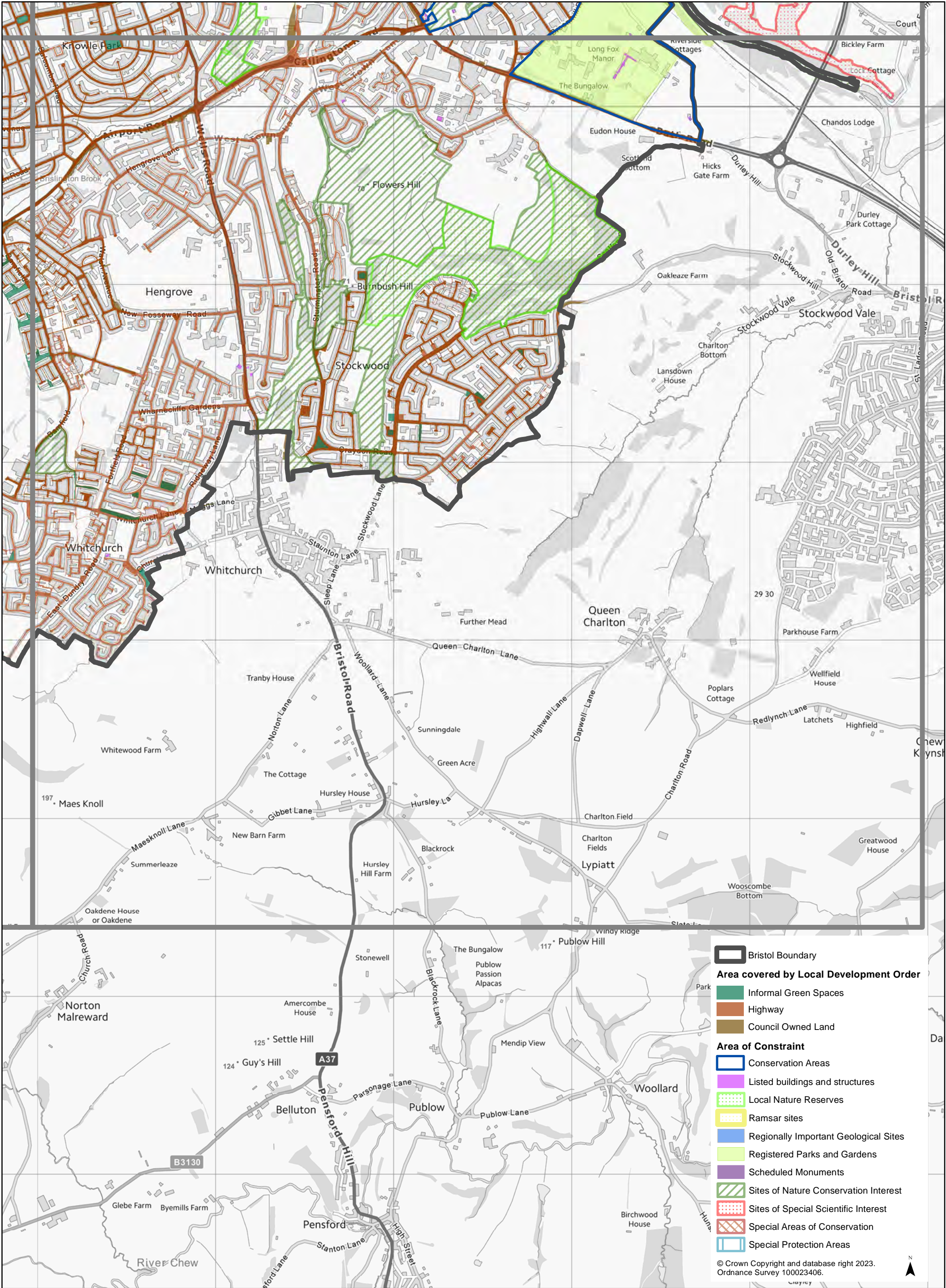
# Bristol LDO Policy - Map 7







# Bristol LDO Policy - Map 8







# Bristol LDO Policy Simplified Map

