

WARD: Bishopsworth

SITE ADDRESS: South Bristol Crematorium And Cemetery Bridgwater Road Bristol BS13 7AS

APPLICATION NO: 22/05714/FB Full Planning (Regulation 3)

DETERMINATION DEADLINE: 28 February 2023

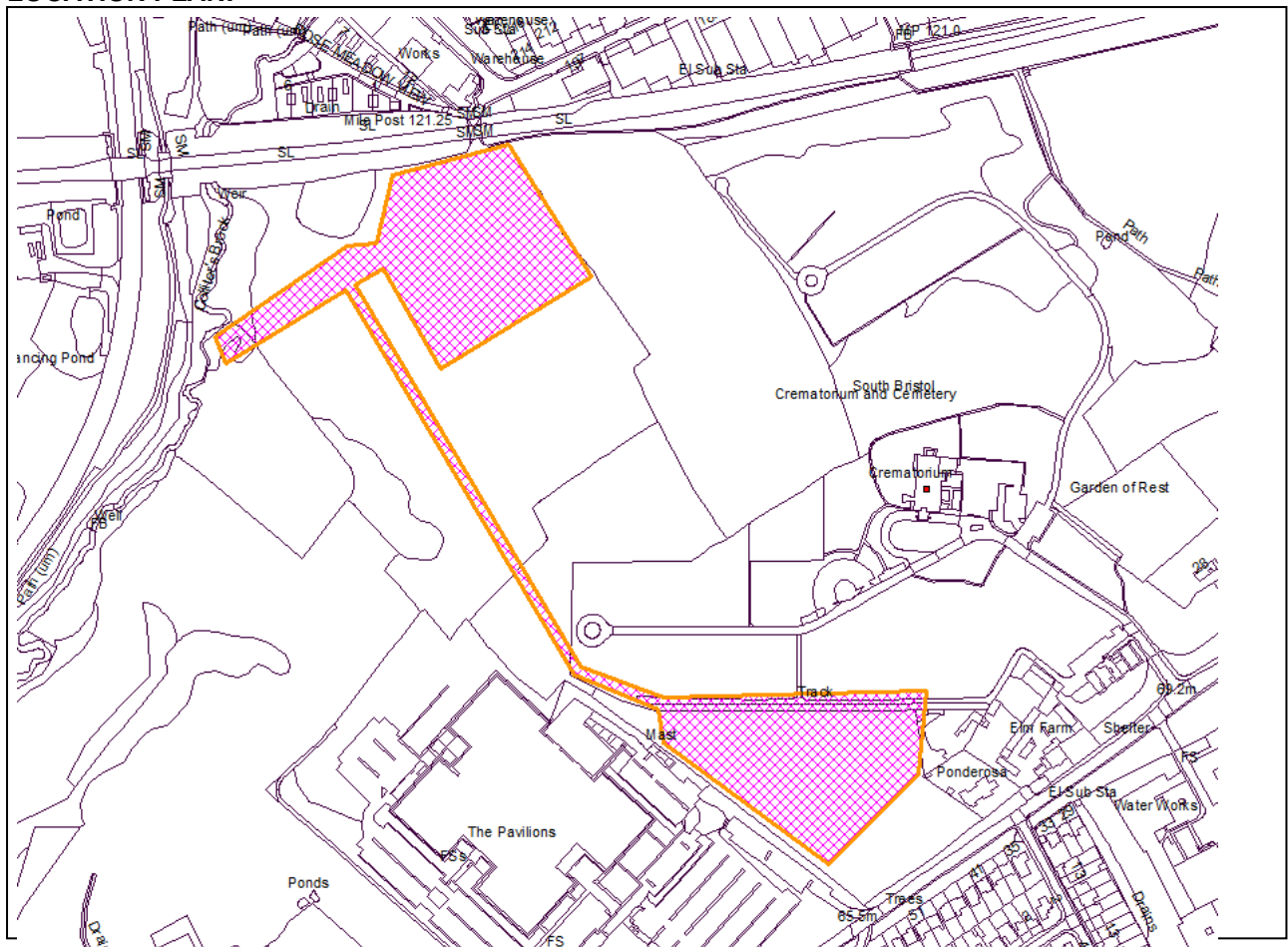
**Expansion of existing cemetery and crematorium to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture.**

RECOMMENDATION: Grant subject to Condition(s)

APPLICANT: Bristol City Council  
Major Projects (City Hall),  
PO Box 3399,  
Bristol  
BS1 9NE

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



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## **1.0 BACKGROUND**

- 1.1 This application has been submitted by Bristol City Council.
- 1.2 It is brought to Committee on account of its significance to the entire city. There has been no Member referral.
- 1.3 The Council has an obligation to provide burial land for residents of Bristol to ensure adequate burial space is provided for the future to meet the needs of an increased city population. Since 2008 the total population of the city is estimated to have increased by 11.7% (48,600 people), this compares to an England and Wales increase of 7.8%.
- 1.4 In their submission, the Applicants note that all the cemeteries in Bristol are close to capacity and so there is a need to identify extra space to meet demand. In support of their application, the Applicants state that:
- “The Council presently operates eight burial sites across the city. South Bristol. Canford, Avonview, and Greenbank cemeteries are the only current sites providing new graves. The other cemeteries at Brislington, Ridgeway, Henbury and Shirehampton are full cannot offer new burials. Capacity at Canford, Avonview and Greenbank has been almost exhausted and the service mapping of new graves in between existing older plots is creating and compounding issues of ongoing maintenance and accessibility. The shortage of burial spaces is now critical.”
- 1.5 This need must be weighed against the ecological impact of bringing this land into use as burial land. Land which forms part of the application site is designated as a Site of Nature Conservation Interest (SNCI).
- 1.6 This is an application for full planning permission for the use of land designated as Green Belt for the expansion of the existing cemetery and crematorium to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is land surrounding the existing South Bristol Cemetery and Crematorium located in the Bishopsworth ward in the south west of the city. The Cemetery is located on the northern side of Bridgwater Road (A38) and to the south of the Bristol to Nailsea railway.
- 2.2 The application site comprises three parcels of land on the edge of the existing Cemetery grounds. Specifically, two parcels of land to the north of the application site are currently fields / grassland interspersed with trees. This land is currently grazed by cattle. To the east are existing burial plots and to the south and west are open fields.
- 2.3 The third portion of land is located to the south of the cemetery. This is a roughly triangular parcel of land that has historically been used for grazing but is now fallow. It is bounded to the north by an internal cemetery road, to the south east by agricultural land and a dwelling with Bridgwater Road beyond.
- 2.4 The application site (each parcel of land) is located within the Green Belt.
- 2.5 The northern parcels of land and the adjacent fields to the west are located within Colliters Brook Site of Nature Conservation Interest (SNCI).

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2.6 The southern parcel of land is located in close proximity to two listed buildings and a registered park and garden:

- Former Central Electricity Generating Board (The Pavilions) – Grade II Listed Building
- Landscape at the former CEGB Headquarters – Grade II Listed Park & Garden
- Bridgwater Road, Bedminster Down (North West side), Elm Farmhouse - Grade II Listed Building

2.7 The site is in Flood Zone 1(low risk).

**3.0 APPLICATION DETAILS**

3.1 This is an application for full planning permission to enable the extension of cemetery grounds. This site will provide space for different kinds of burial requirements.

3.2 The application proposal involves the change of use to cemetery use predominantly for burial plots.

3.3 Internal pathways / roads will be created to link the new plots with the existing cemetery road / footway infrastructure. Areas for vehicle turning and parking will also be provided, all with a tarmacadam base (to match existing).

**Drainage**

3.4 Drainage infrastructure will be introduced in the north west development plot to manage flood risk and surface water run-off. This will connect to other parts of the site as shown on the Proposed Drainage Layout drawings.

3.5 In support of their application, the Applicants have submitted a Flood Risk, Sustainable Drainage, Ground Water and Environmental Assessment.

3.6 In respect of connections to existing drainage:

“The existing drainage in the upper section of South Bristol Cemetery discharges from an existing outfall located at the top of a slope within Colliter’s Brook SNCI. As this existing outfall has been assessed as not meeting current standards and unsuitable for the expanded drainage the existing cemetery drainage will be diverted into a new drainage pipe running from Site 1 to Manhole 27a, as shown on plan: D200012-CDS-EN-ZZ-DR-L-011D.

3.7 The drainage run has been designed to avoid the canopy line of retained trees. The surface water will be discharged to Colliter’s Brook, or when the maximum 80.5 l/s discharge rate of the Hydrobrake in MH27a is reached, excess flow will be diverted to the attenuation basin”.

3.8 The development will construct a new headwall on the bank of Colliter’s Brook.

**Trees**

3.9 A Tree Survey has been undertaken with the findings presented in the supporting Arboricultural Impact Assessment. In order to facilitate the proposed development, 14 trees comprising 1 Category B tree, 11 Category C trees and 2 Category U trees are proposed to be removed. Gaps are also proposed to be made in 4 Category C hedgerows to accommodate new access routes and the installation of drainage infrastructure.

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- 3.10 Proposed landscaping includes the planting of 83 new trees and 6,456 whips for new hedgerow.
- 3.11 Retained trees will be protected throughout the construction programme with tree protection measures.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Planning permissions were granted way back in 1962 and 1969 for use of the application site as a cemetery (Application References 1873P/62 and 69/01694/U).
- 4.2 The Town and Country Planning Act 1968 brought in time limiting conditions for any permissions granted before 1 January 1968 to be implemented. It has not been ascertained whether the consequential development of South Bristol Cemetery was implemented within that timescale as a basis for those previous consents to be relied on.
- 4.3 Application 21/04268/CE for a Lawful Development Certificate for an existing use or operation or activity - Use of land covered in the application was previously designated for cemetery use in sites planning approval 1873P/62 and 1694/69 was withdrawn on 19<sup>th</sup> July 2022.

#### **5.0 STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

- 5.1 In support of their application, the Applicants have submitted a SCI.

##### **Process**

- 5.2 The SCI sets out the details of consultation activities including, but not limited to:
- Ward Councillor engagement
  - Meeting with the Bristol Tree Forum
  - The Applicants had a range of engagement with key stakeholders. One to note was SANDS (Stillbirth and Neonatal Death charity) who were engaged in the design development of the new provision in Site 1 for baby burials.

##### **Key Outcomes**

###### ***Expansion Area 1***

- 5.3 Discussion with the Bristol Tree Forum on opportunities for additional tree planting led to the number of new trees proposed in area 1 being increased significantly from 16 to 46.
- 5.4 Discussion on potential removal of the existing overgrown Leyland Cypress hedge between site 1 and the existing cemetery. It was recommended by the Tree Forum that the Leyland Cypress were treated as trees.
- 5.5 The development proposals only cover removal of a restricted section of these trees at new entrances into the site from the cemetery, including increasing visibility between the two sites at the main entrance.

###### ***Expansion Area 3***

- 5.6 Protection of existing hedgerows agreed, an extended arboricultural survey was undertaken in Summer 2022 to support this. Requested an updated flora survey and bat survey for this area,

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which was undertaken in Summer 2022 and included in the updated ecology report.

- 5.7 New native hedge planting was welcomed.
- 5.8 Discussion on opportunities for additional tree planting led to the number of new trees proposed in area 3 being increased significantly from zero to 37.
- 5.9 Potential for phasing of works was discussed. The extent of works undertaken in area 3 as part of the first phase of works will consider opportunities for managing the land for ecological benefit prior to commencement of burials alongside the requirements for infrastructure to be constructed as part of these works.

***Site Drainage and Area 4***

- 5.10 Requested consideration of retaining use of existing outfall and consider utilisation of existing Network Rail drainage to scale of drainage works require and potentially mitigate need for new attenuation pond.
- 5.11 It was assessed that the drainage proposals were necessary to comply with West of England Sustainable Drainage guidelines.
- 5.12 Protection of existing hedgerows agreed, an extended arboricultural survey was undertaken in Summer 2022 to support this.
- 5.13 A single drainage run is required through an existing hedge, the remainder of runs use existing openings.
- 5.14 Requested an updated flora survey and bat survey for this area, which was agreed and undertaken in Summer 2022 and included in the updated ecology report.
- 5.15 Discussed that attenuation basin will be designed to maintain water levels and planted to enhance ecological interest.
- 5.16 Agreed that a contractor's method statement will be produced ahead of the drainage works to ensure that they minimise impact to the SNCI. Existing South Bristol Cemetery Site
- 5.17 Finally comments on the existing cemetery site were passed to the operational team and the ecology report has adopted a recommendation for the Council to create an action plan for enhancements within the existing site.

**6.0 RESPONSE TO PUBLICITY AND CONSULTATION**

- 6.1 Neighbouring properties were consulted, as a result 35 representations were received, of which 30 support the application and 14 object.

***Objections to the application***

- 6.2 The objections raised can be summarised as follows:

This is a site of wildlife importance and the damage this proposal will cause is unacceptable. It goes against the green spaces motion, our ecological emergency and climate emergency as well as local and national planning policy.

Comments related to a neighbouring site - Yew Tree Farm

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Yew Tree Farm, including this piece of land, is part of a wildlife corridor that links the city with the surrounding countryside and therefore should be protected from any development. It has also been accepted by the Council that this farm, the last working farm in the city, should be protected in its present state. I therefore object to this proposal.

“A more appropriate site needs to be looked into that will not have detrimental impact to the area.”

“We have witnessed large gathering over the past few years for funerals, which also impacted the area's around the entrance to the Cemetery and the adjoining neighbourhood.”

“This is a site of SNCI wildlife importance and the damage this proposal will cause is unacceptable.

It goes against the city green spaces motion, our ecological emergency and climate emergency as well as local and national planning policy. - Yew Tree Farm, including this piece of land, is part of a wildlife corridor that links the city with the surrounding countryside and therefore should be protected from any development. It has also been accepted by the Council that this farm, the last working farm in the city, should be protected in its present state.

There is indeed a shortage of burial ground and this plan is just using a sticking plaster over a gaping wound and there needs to be a comprehensive plan for the future of our burial grounds overall. This is just a temporary measure. I therefore strongly object to this proposal.”

***Comments received in support of the application***

- 6.3 The representations received in support of this application stated that providing ongoing burial provision for the City. Comments received welcomed the expansion and the improved drainage for the site.

**7.0 INTERNAL CONSULTATIONS**

**BCC Drainage Officer**

- 7.1 The overall approach to the drainage strategy would be appropriate for this site given its existing drainage characteristics and the site constraints. Since infiltrating SuDS methods are inappropriate here the next preferred option in line with the SuDS hierarchy is directly discharging to a nearby watercourse and that is proposed into the adjacent Colliter's Brook. We are supportive of the use of an attenuation basin to give extra storage provision and to slow flows ahead of entering this watercourse.
- 7.2 The design calculations submitted are for the proposed drainage arrangements, which have been designed on the basis of limiting the flow off site to 80l/s for all events up to the 1 in 100 plus 40% allowance for climate change, are accepted. The 80l/s design flow was chosen based on the assertion that this is the equivalent Greenfield runoff rate. Evidence has been provided to confirm this.
- 7.3 The Council's Drainage Engineer raises no objection to this application and does not consider that it is necessary to attach a condition.

**BCC Nature Conservation Officer**

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- 7.4 Without details of the Management of the ecology of the site, the Council's Nature Conservation Officer objects.

However, with the imposition of the following condition relating to the submission of a Landscape and Ecological Management Plan (LEMP), this objection is addressed.

The condition should be worded as follows:

**Prior to commencement of the development hereby approved, the applicant shall submit a 30-year Landscape and Ecological Management Plan (LEMP) for all habitats contributing to Biodiversity Net Gain (BNG). This should address retained features of ecological interest, together with mitigation and enhancements to be provided. The LEMP should set out management compartments, objectives, and prescriptions for all retained, enhanced and created habitats to demonstrate how they will be managed to their target condition (as specified in the BNG metric) using the latest version of the 'Biodiversity Net Gain condition assessment sheets and methodology' (Natural England, 2023) and the proposals outlined in the updated\* Ecological Mitigation Proposals report (Wessex Ecological Consultancy).**

**A supplementary plan for the proposed line of trees shall be included which extends beyond 30 years.**

**The LEMP should set out how the development area will be managed to maintain its status as a Site of Nature Conservation Interest (SNCI) as per the updated Ecological Mitigation Proposals report (Wessex Ecological Consultancy) using (as much as is practical) pages 8 and 9 of the Designated Sites Protocol & Criteria adopted by B&NES, Bristol City, South Gloucestershire and North Somerset Council (2011). This must demonstrate how no harmful impact on the nature conservation value of the site will take place as a result of the development, therefore demonstrating how the development complies with Policy DM19 of the local plan.**

**The LEMP should also show how management of the site will be resourced and monitored by the BCC Natural and Marine Environment Service unless another party is enlisted to carry out the management of the site and this is agreed in writing by Local Planning Authority.**

**Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...". The Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity. Policy DM19 of the Bristol City Council Local Plan states: "Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted".**

**External Contributors**

**Statutory Contributors**

**Network Rail (NR)**

- 7.5 Part of the application site is located in proximity to land managed by Network Rail and

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accordingly they were consulted on the application proposal.

- 7.6 In response, NR raise no objection to the application proposal. However, various Advice Notes have been recommended and these form part of the recommendation set out below.

**Non-Statutory Contributors**

**NFU**

- 7.7 The proposed expansion of the crematorium as it stands would have a detrimental impact on local food production, rural business and the environment.

**The Sustainable Food Trust**

- 7.8 A representative of the Sustainable Food Trust made the following representation:

“I am writing to you as a representative of The Sustainable Food Trust in support of the safeguarding, in perpetuity, of Yew Tree Farm, as I have been made aware that it is currently under threat from the possible expansion of the cemetery and crematorium land.

I am sure you are aware that the farm now forms part of Bristol’s newest SNCI – Site of Nature Conservation Interest – and last year an insect (as yet unknown to science) was discovered in the meadow. The farm is organic, nature rich and wildlife friendly, and produces nutritious, health-promoting food for the local community. Much of the landscape has been rewilded, and the farm is home to over 40 species of bird and 20 species of mammal. The site includes a natural hay meadow with over 90 plant and grass species, as well as permanent pasture for the cattle. There are several hundred mature trees, copses, woodland and hedgerows – all within Bristol’s city boundary which makes Yew Tree unique.

As a Bristol resident, I am also aware of the commitments Bristol City Council has made to improving its local food infrastructure, as set out in *Bristol Good Food 2030: A One City Framework for Action*, which aims to transform the city’s food system within this decade, supporting its ambitions on health, climate, biodiversity and social justice. There are also 86 references to food in the Local Plan Review which states: “Since the last local plan was agreed in 2014, we now include new policies on biodiversity and proposes changes of approach at sites such as the Western Slopes, Brislington Meadows and Yew Tree Farm that aim to give priority to nature conservation and food growing. Ecology and sustainability are key to a climate resilient city.”

As BCC has publicly acknowledged, Yew Tree Farm offers immense benefits to the Bristol community – enhancing and restoring biodiversity, mitigating flood risk, sequestering carbon, offering climate resilience, providing nutrient-dense and healthy food, and green space for public footpath users and community groups, such as our green social prescribing participants. Considering these benefits, and as Bristol’s last working farm, I believe the community would be outraged if it were to be lost. I therefore hope you will ensure that the entire farm is protected.”

**Bristol Tree Forum**

- 7.8 The Forum comment as follows. Please note that Area 1 is the southern portion of the site and Areas 3 and 4 are the northern portions:

“... the fact that the development site forms part of the Bristol Green Belt, is within the Colliter’s Brook Site of Nature Conservation Interest (SNCI) and is also an Urban Landscape has not



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been properly addressed. As a result, this proposal still fails to demonstrate that these plans will meet the requirements of the National Planning Policy Framework<sup>2</sup> (NPPF) and Bristol's planning policies, in particular BCS9, DM17 and DM19."

The representation continues that: "We urge the Council to comply with its obligations and commission a full Biodiversity survey and Biodiversity Metric calculation before this application is decided." If these issues are not addressed, then this application must be refused.

The representation continues: "We note that the whole development site is within the Green Belt, so the requirements of Section 13: Protecting Green Belt land of the NPPF and of BCS6 will need to be addressed.

The following comments relate primarily to the proposals to develop Areas 3 & 4. 1. Areas 3 & 4 are an Urban Landscape, as defined in DM17 Under DM17: Development Involving Existing Green Infrastructure of the Site Allocations and Development Management Policies (July 2014) (SADM), the sites identified as Areas 3 & 4 are designated an Urban Landscape. DM17 makes it clear that 'Proposals which would harm important features such as green hillsides, promontories, ridges, valleys, gorges, areas of substantial tree cover and distinctive manmade landscapes [Urban Landscapes] will not be permitted.'

*Subsequent comments received from the Forum following on from further dialogue with the Applicants:*

We remain opposed to this application in as far as it affects the Colliter's Brook SNCI.

They comment:

"Areas 3 & 4 are within the Colliter's Brook SNCI. Under DM19: Development and Nature Conservation of the SADM, 'Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.' The works proposed will result in a loss of biodiversity on the development site and so will 'have a harmful impact on the nature conservation of' the SNCI. The fact that it may be 'minor' is irrelevant; no degree of harm is acceptable. Whilst the ecological report by Wessex Ecological Consultancy dated 5 May 2021 concluded that some minor damage would be caused to these areas, the report states at section 8 that: Measures to ensure that the proposals achieve net gain have been explored. The proposals include the replacement of areas of semi-improved grassland with modified grassland, and much smaller areas of track and hard standing. This will result in a loss of biodiversity value. There are limited opportunities to offset these losses on site. In the cemetery operational objectives mean that major enhancement schemes are not possible.

In the SNCI the high existing value of most of the site means that most areas cannot be enhanced above their current level. As the applicant has failed to produce any Biodiversity Metric calculation, it is not possible at this stage to measure the nature and extent of the damage identified, or to say whether it can or should be offset elsewhere. We have drawn the planning officer's attention to paragraphs 179, 180 and 182 of the NPPF Habitats and Biodiversity requirements, which, among other things, require that plans should: ... identify and pursue opportunities for securing measurable net gains for biodiversity. We have also pointed out that paragraph 180 a) of the NPPF makes it clear that: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative sites with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ... We also note that there are other highly distinctive habitats noted on the development site - not least some of the grassland and the species-rich hedges, possibly with associated trees, banks or ditches - so that further compensation may need to be provided to achieve sufficient biodiversity net gain.

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Some of these habitats are also Habitats of Principal Importance for the purpose of conserving or enhancing biodiversity as defined in Section 41 of the Natural Environment and Rural Communities Act 2006.4 The NPPF defines these habitats as priority habitats and paragraph 179 b) specifically requires that plans should 'promote the conservation, restoration and enhancement' of them.

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

It adds that a '... biodiversity ... survey and assessment of impacts should be provided where development might impact any sites of value or Habitats of Principal Importance.' Consideration will also need to be given to the impact of the Biodiversity Metric trading rules for particular habitats, plus the fact that gains in either linear or area habitats cannot be used to cross-compensate losses between these two types. As it is unlikely that onsite mitigation measures will be available, viable offsite locations will need to be identified (not in the Colliter's Brook SNCI) before this application can be approved. None of this can be properly understood until a full Biodiversity survey and Biodiversity Metric calculation is undertaken."

### **Harvey Clan Trust**

7.9 Harvey Clan Trust make the following comment:

As a Trust we object to the planning application and have grave concerns regarding the destruction of our natural wildlife. Bristol City Council are obligated to protect our wildlife and the environment. Compassion and consideration must be given by every man and woman to ensure our green fields and the climate are also protected. Furthermore, the damage to Yew Tree Farm will be gone forever. The Trust's members recommends that this application be withdrawn forever

### **8.0 EQUALITIES ASSESSMENT**

- 8.1 The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.
- 8.2 Section 149 of the Equalities 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.
- 8.3 During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4 We have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report.

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- 8.5 Your Officers are mindful of the requirements of various Faith Groups to ensure that there is sufficient capacity for burials in the City.

**9.0 RELEVANT POLICY**

- 9.1 The following policy is relevant:

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development

Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

**Emerging Policy**

- 9.3 The recent local plan consultation (November 2022) changed the 2019 emerging plan (Page 70 - Local Plan Review – November 2022). It is now proposed that the Bedminster Down area, including the existing cemetery and land surrounding it, would remain in the Green Belt. It was previously proposed to remove Green Belt designation in this area, with Local Green Space proposed to cover much of the area to be removed from the Green Belt.

**10.0 KEY ISSUES****(A) IS THE PROPOSAL ACCEPTABLE IN PRINCIPLE?**

- 10.1 The application site is currently located within the Green Belt.
- 10.2 The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, paragraph 148).
- 10.3 It states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst other things):
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 10.4 Bristol Core Strategy Policy BCS6 states:
- "Countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the current extent of the Green Belt.
- Land within the Green Belt will be protected from inappropriate development as set out in

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national planning policy.”

- 10.5 Based on the advice in the NPPF, the application proposal can be regarded as an appropriate exception to the Green Belt designation and is therefore acceptable in principle in this location.
- 10.6 Development Plan Policy DM17 is concerned with development involving existing green infrastructure.
- 10.7 The northern plot is classified as a valuable urban landscape (a prominent green hillside) under policy DM17 of the Development Management Policies. The policy states that proposals that would harm these valuable landscapes will not be permitted.
- 10.8 Policy DM17 requires the integration of existing trees into development. It states that where tree loss is accepted, replacement provision in line with the Bristol Tree Replacement Standard (BTRS) should be provided.
- 10.9 The loss of this valuable urban landscape has been weighed against the nature of the use proposed. A cemetery is a valuable community use. This application proposal involves development of parcels of land around an existing cemetery, for cemetery use. The areas would be landscaped and this would reinforce its verdant character. The application proposal does not include extensive infrastructure.

**(B) IS THE ECOLOGICAL IMPACT OF THE PROPOSAL ACCEPTABLE?**

- 10.10 It is clear from the representations received that there is concern that the application proposal would have a harmful impact on the ecology of the area. Key to determination of this application is whether sufficient management can be put in place to safeguard the ecology of the site.
- 10.11 Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that *“Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...”*.
- 10.12 The Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity.
- 10.13 Bristol Core Strategy Policy BCS9 states:

“The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.”

- 10.14 The policy continues:

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“Biological and Geological Conservation Internationally important nature conservation sites are subject to statutory protection.

National and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation.

Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened.”

10.15 Development Plan Policy DM19 states:

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

- Be informed by an appropriate survey and assessment of impacts; and
- Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

10.16 Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

10.17 Development on or adjacent to sites of nature conservation value will be expected to enhance the site’s nature conservation value through the design and placement of any green infrastructure provided.

### **Ecological Management of the site**

10.18 Whether there is a harmful impact on the SNCI is entirely dependent on the ecological management of the site. Your Officers consider that through the imposition of relevant conditions to secure adequate management of the site there would be no harm arising from the application proposal.

10.19 It is entirely appropriate for the details of the management to be resolved through the process of discharging relevant planning conditions. Indeed, given the timescales involved in the evolution of the site for additional burial space, it is far better that this is an on-going process. It would be a mistake for this to somehow be resolved before this application is considered.

10.20 The application site is entirely in the control of Bristol City Council. There is no tenant farmer on the site. The previous tenancy was terminated in 2021 and the land has since been fully within the Council’s control to determine and implement management arrangements.

10.21 In support of their application, it is noted that as a stopgap measure, an informal agreement had been given for the adjacent (Yew Tree) farm to have temporary access to graze the land. It has been confirmed with that party that the temporary access arrangements confer no assumed tenancy rights. This indicates Council is therefore the only relevant party to confirm the commitment to manage the site in accordance with arrangements identified within the

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Bristol BS13 7AS**

supplementary mitigation document submitted on the 6th April 2023. These were produced by the Project Ecologist, in consultation with the Natural and Marine Environment Service, including cemetery staff that will be responsible for management activities. It was confirmed that the Head of Service of Bristol City Council's Natural and Marine Environment Service which is both responsible for:

- management of cemeteries (the maintenance team were directly engaged in developing the updated mitigation document) and
- management of Council owned SNCI's.

10.22 Bristol City Council's Natural and Marine Environment Service are committed to deliver the required management works and to develop a full land management plan for agreement under a planning condition.

10.23 Accordingly a relevant planning condition is attached to ensure that the on-going land management issues are in place.

**Trees**

10.24 In order to facilitate the proposed development, 14 trees comprising 1 Category B tree, 11 Category C trees and 2 Category U trees are proposed to be removed. Gaps are also proposed to be made in 4 Category C hedgerows to accommodate new access routes and the installation of drainage infrastructure.

10.25 Proposed landscaping includes the planting of 83 new trees and 6,456 whips for new hedgerow. This exceeds the Bristol Tree Replacement Standard (BTRS) for compensator and enhancement planting.

10.26 The landscape plans show that the new trees will be planted strategically across the development areas to enhance the visual amenity of the burial grounds and existing landscape buffers.

10.27 Retained trees will be protected throughout the construction programme with tree protection measures. It is also recommended that the installation of drainage infrastructure around a large oak tree (T951) is carried out under arboricultural supervision due to it passing through the root protection area. This can be secured through an appropriate planning condition.

**Biodiversity Net Gain (BNG)**

10.28 There will be Biodiversity Net gain arising from the application proposal. However an update on the extent of that improvement will be provided at the Committee Meeting.

**Conclusion on Ecology**

10.29 As part of their ongoing responsibility for the site, Bristol City Council have committed to the management of the SNCI. In so far as the Local Planning Authority can secure this, a relevant condition to secure a 30-year programme of management.

10.30 There will be Biodiversity Net Gain resulting from the application proposal. An update on this will be provided at the meeting.

**(C) WOULD THE APPLICATION PROPOSAL HAVE AN ACCEPTABLE IMPACT ON**

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**HERITAGE ASSETS?**

- 10.31 In determining this application, there is a requirement set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 66(1) for the local authority to “have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”. Section 72 of the Act refers to the need for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.
- 10.32 When considering the current proposals, in line with Paragraph 194 of the NPPF (2021), the significance of the asset’s setting requires consideration. Following on from this, Paragraph 195 states:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- 10.33 Paragraph 199 states that in considering the impact of proposed development on significance great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be.
- 10.34 Paragraph 200 states:
- “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”
- 10.35 Therefore, clear and convincing justification is needed if there is loss of or harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting).
- 10.36 Paragraph 201 provides advice where there would be substantial harm to a heritage asset and, essentially, requires it to be necessary to cause that harm to deliver substantial public benefits outweighing the harm or the nature of the heritage asset makes this the only practical option. As explained below, it is not considered that this is a ‘substantial harm’ case.
- 10.37 Paragraph 202 provides advice where there would be less than substantial harm to the significance of a heritage asset and requires that harm to be weighed against the public benefits of the proposal.

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10.38 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting, that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

**The Heritage Assets**

10.39 The application site contributes to the setting of the following heritage assets:

- Elm Farmhouse – Grade II Listed Building – located approximately 40 meters from Area 1.
- Former Central Electricity Generating Board (CEGB) Headquarters – Grade II Listed Building – located approximately 110 metres from the site.
- Landscape at the former CEGB Headquarters – Grade II Listed Park and Garden – located approximately 20 metres from the site.

***Is there harm posed by the development? (NPPF para 200)***

10.40 In support of their application, the Applicants note that the proposed development comprises internal roads, graveside features, walling and landscaping, which is low scale development.

10.41 The boundaries between the southern development plot and the Pavilions are clearly defined and populated with mature trees and hedges. This well-established boundary provides a good degree of screening, limiting intervisibility between the Pavilions and the development plot, and also limiting the potential for any heritage impact.

10.42 In the light of the scale of the development and the physical interventions in between the site and these designated heritage assets, there would be no adverse impacts upon the heritage values and significance. Accordingly, their significance would be conserved.

10.43 The NPPF requires the Local Authority to place “great weight” in conservation of the historic environment, defining the historic environment as an irreplaceable resource. This additional weighting in comparison to other planning considerations means it is of fundamental importance in determining development proposals that would affect it.

10.44 It is the assessment of the Local Planning Authority that the development would not negatively impact the settings of the identified heritage assets.

***What are the purported public benefits? (NPPF para 202)***

10.45 The NPPF requires public benefits to be tangible, resulting direct from the development and be genuinely of a public nature. Benefits must conform with the criteria of being, social, environmental, or economic.

10.46 This proposal will contribute to an identified requirement for additional burial sites for a city with an expanded population.

**11.0 CONCLUSION**

11.1 There is real public concern that the importance of this area in ecological terms will be diminished if this application proposal is approved. Your Officers are mindful of the



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requirements of policy and the need to secure on-going management of the SNCI. To this end, there is a commitment from the Applicants to the on-going management of this site (secured through condition). This is considered to be adequate mitigation for the impact of development and will prevent harm to the SNCI. The application proposal is therefore consistent with the Development Plan Policy, in particular Policy DM19 and can be supported.

- 11.2 The impact on the ecology of the area has been weighed against the identified critical need for additional burial space in the city. This site has been identified as the only site capable of accommodating this development and accordingly the application is recommended for approval.
- 11.3 The Local Planning Authority consider that the Council's application for planning permission for this development can be supported.

**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Pre commencement condition(s)**

2. Landscape and Ecological Management Plan (LEMP)

Prior to commencement of the development hereby approved, the applicant shall submit a 30-year Landscape and Ecological Management Plan (LEMP) for all habitats contributing to Biodiversity Net Gain (BNG). This should address retained features of ecological interest, together with mitigation and enhancements to be provided. The LEMP should set out management compartments, objectives, and prescriptions for all retained, enhanced and created habitats to demonstrate how they will be managed to their target condition (as specified in the BNG metric) using the latest version of the 'Biodiversity Net Gain condition assessment sheets and methodology' (Natural England, 2023) and the proposals outlined in the updated\* Ecological Mitigation Proposals report (Wessex Ecological Consultancy).

A supplementary plan for the proposed line of trees shall be included which extends beyond 30 years.

The LEMP should set out how the development area will be managed to maintain its status as a Site of Nature Conservation Interest (SNCI) as per the updated Ecological Mitigation Proposals report (Wessex Ecological Consultancy) using (as much as is practical) pages 8 and 9 of the Designated Sites Protocol & Criteria adopted by B&NES, Bristol City, South Gloucestershire and North Somerset Council (2011). This must demonstrate how no harmful impact on the nature conservation value of the site will take place as a result of the development, therefore demonstrating how the development complies with Policy DM19 of the local plan.

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The LEMP should also show how management of the site will be resourced and monitored by the BCC Natural and Marine Environment Service unless another party is enlisted to carry out the management of the site and this is agreed in writing by Local Planning Authority.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...". The Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity. Policy DM19 of the Bristol City Council Local Plan states: "Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted".

3. Alongside the requirement to submit a Landscape and Ecological Management Plan and notwithstanding the details shown on the approved plans, a landscaped plan shall be submitted to and approved prior to the commencement of development of the site.

Reason; To ensure that the site is landscaped.

**List of approved plans**

4. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

D200012-CDS-EN -ZZ-DR-L-100 Overall site layout, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-005CD2 Area 1A and 1B construction details, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-005DL Detailed soft landscaping plan, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-005L(10) Area 1 and 1B landscaping plan, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-005LE Area 1A and 1B levels, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-009L Area 3 - Landscape plan, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-009LE Area 3 - Levels, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L-011L Site 4 Landscape plan, received 29 November 2022  
 D200012-CDS-EN -ZZ-DR-L- Location plan, received 29 November 2022  
 Arboricultural Assessment, received 29 November 2022  
 Flood risk and sustainable drainage, received 29 November 2022  
 Ground water risk assessment, received 29 November 2022  
 Heritage statement, received 29 November 2022  
 Planning obligations, received 29 November 2022  
 Planning statement, received 29 November 2022  
 Statement of community involvement, received 29 November 2022  
 Design and Access statement, received 29 November 2022

Reason: For the avoidance of doubt.

**Advices**

**Development Control Committee B – 6 September 2023**  
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1. Site Safety

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

2. Ground Levels

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

3. Ground Disturbance

If works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

4. Site Layout

It is recommended that all development be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## **Supporting Documents**

### **2. South Bristol Crematorium And Cemetery, Bridgwater Road, BS13 7AS.**

1. Council commitment to manage the Ecology of the site.
2. Application Site
3. Application Site
4. Proposed New Plots
5. Proposed New Plots
6. Proposed Attenuation Pond
7. Application Proposal
8. Consideration of the Application
9. Application Site Plan



Peter Westbury  
Bristol City Council  
Development Management  
PO Box 3399  
Bristol  
BS1 9NE

**Reply to** Jonathan James  
Head of Natural and Marine  
Environment

**Your ref** 22/05714/FB  
**Date** 25<sup>th</sup> July 2023

Dear Peter,

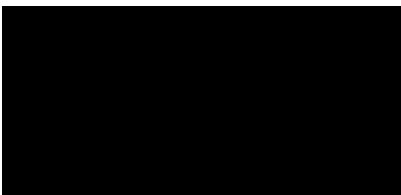
**RE: 22/05714/FB | South Bristol Cemetery Expansion**

I am writing in respect of the above application in my capacity as the Head of Service for Bristol City Council's Natural and Marine Environment Service, with responsibility for the management of South Bristol Cemetery and management of Bristol City Council owned SNCI designated sites.

I can confirm that Bristol City Council is the owner of the land covered within the above application, including the SNCI designated land where ecological mitigation and management measures have been proposed. I can confirm the previous tenancy on this land was terminated on 24<sup>th</sup> June 2021 and that no new tenancies have been entered into. The land is fully within the control of Bristol City Council to determine and implement land management arrangements.

The Ecological Mitigation Proposals document, submitted to the Planning Authority on 6<sup>th</sup> April 2023, was developed by the appointed Project Ecologist: Rupert Higgins of Wessex Ecology, based on engagement with my Service to ensure that the land management proposals are both robust and deliverable. I can confirm the agreement and commitment of Bristol City Council's Natural and Marine Environment Service to deliver the land management arrangements as set out within that document; including to produce a full management plan in consultation with stakeholders.

Yours Sincerely,



Jon James  
Head of Natural and Marine Environment

Natural and Marine Environment,  
PO Box 3399 (City Hall)  
Bristol  
BS1 9NE

**Patsy Mellor**  
Director: Management of Place

**Website**  
[www.bristol.gov.uk](http://www.bristol.gov.uk)



## **Application 22/05714/FB**

Expansion of existing cemetery and crematorium to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture.

**South Bristol Crematorium And Cemetery  
Bridgwater Road**

# Application site

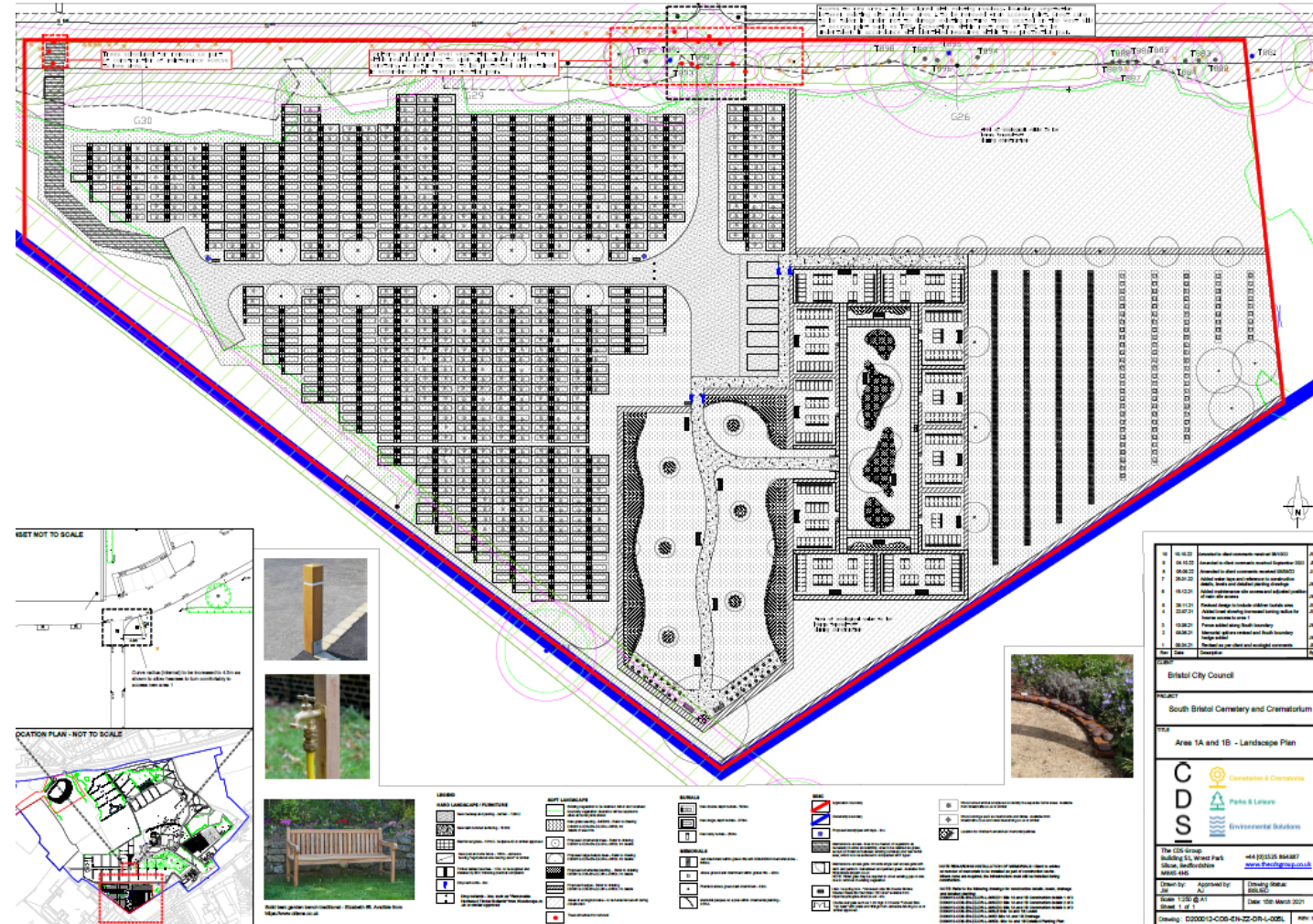


# Application site





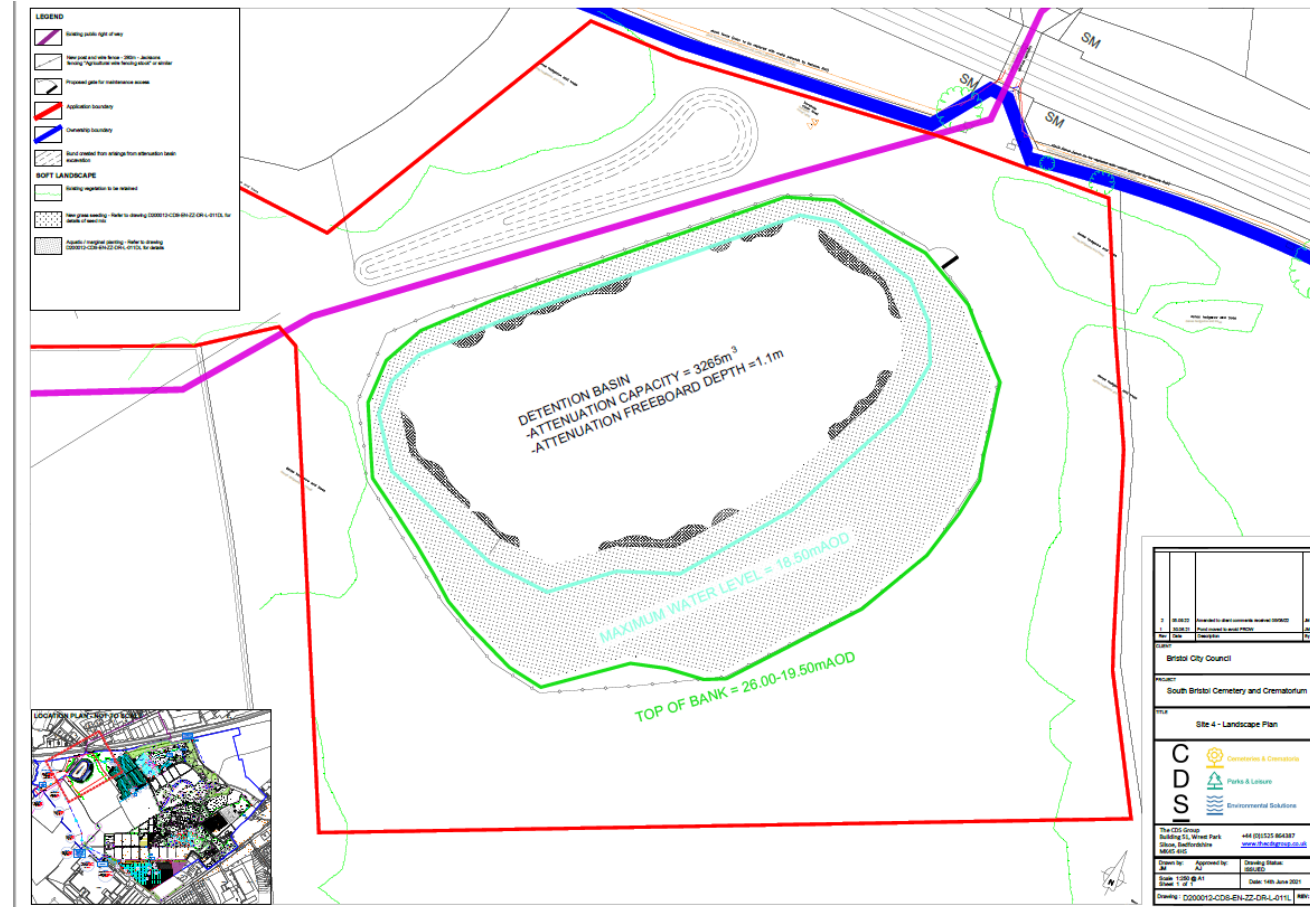
# Proposed New Plots



# Proposed New Plots



# Proposed Attenuation Pond



# Application Proposal

- The proposed development involves a change of use from fields / agriculture to cemetery use, predominantly for burial plots.
- Internal pathways / roads will be created to link the new plots with the existing cemetery road / footway infrastructure. Areas for vehicle turning and parking will also be provided, all with a tarmacadam base (to match existing).
- The existing fields are largely open, so removal of vegetation will be kept to a minimum. Notwithstanding, the proposed development includes various landscaping and planting proposals to help encourage biodiversity and compensate for any ecological impact.
- Given the nature of cemetery operations, the land identified for use as burial plots will only be utilised for this purpose as the need arises. In this regard, the development is likely to be 'completed' in piecemeal fashion over a number of years.
- A new boundary wall will be created to enclose the northern parcel of land along its northern boundary with fencing erected alongside adjacent fields to prevent animals accessing the site.
- Introduction of Drainage infrastructure in the north western development plot to manage flood risk and surface water run-off. This will connect to other parts of the site as shown on the Proposed Drainage Layout drawings.

# Consideration of the Application

- There is a identified need to increase burial capacity in the city.
- The site is in the green belt – but the NPPF says that you can develop for cemeteries
  
- 61 neighbouring properties were consulted.
- 30 representations were received in support
- 14 objections were received
  - Concern about the impact on wildlife – SNCI, biodiversity (objection from the Bristol Tree Forum)
  - Concern about the impact on Yew Tree Farm

# Application Site

