

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: 29 November 2023

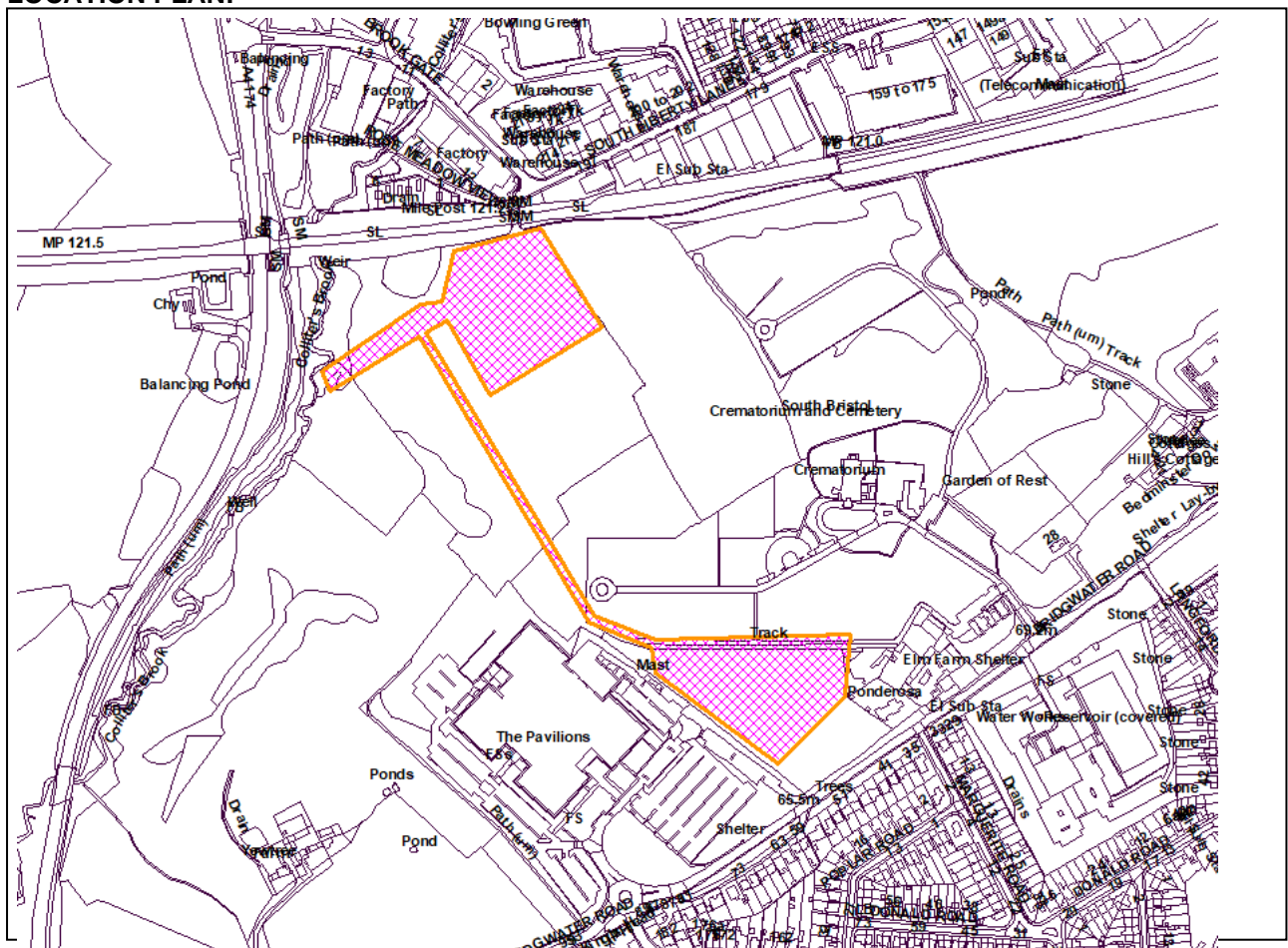
Expansion of existing cemetery and crematorium to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture.

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. SUMMARY

1.1 This is an application for full planning permission for the use of land designated as Green Belt for the expansion of the existing cemetery to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture. In essence this involves the extension of the cemetery into two currently undeveloped areas, and the provision of an attenuation pond in a further area.

1.2 The application is of significance to the city and has been subject to high levels of representation, both for and against the development. The application was previously reported to planning committee on 6th September 2023, with a recommendation for approval (the original report is appended to this report). However, the Members debated the application and had outstanding concerns over the following issues:

- Whether the strategic need for the cemetery was justified and what other areas had been explored?
- Whether there was a harmful impact on heritage assets?
- Whether the correct test had been applied in respect of the impacts on Biodiversity Net Gain and the SNCI, as well whether late representations, including those from Avon Wildlife Trust had been fully addressed?
- Whether the impact on the viability of the neighbouring Yew Tree Farm had been properly assessed?

1.3 It is also of note that since the previous committee meeting the Publication Version of the revised Local Plan was agreed by Full Council, and by the time of the meeting will be available for public comment, in accordance with Regulation 19. It will therefore have some weight in the decision making process, albeit limited at this stage.

1.4 In addition, the applicant has provided further evidence to justify the development, and addressing the concerns raised at the Committee meeting.

1.5 In response to these concerns Officers are of the view that the previous recommendation was sound, subject to a revised suite of conditions. The previous report is attached as an appendix to this report. However, this update report provides further guidance on the issues raised by Members, and the relative merits of refusing the application on the grounds explored by Members at the 6th September Committee Meeting.

2. RESPONSE TO PUBLICITY AND CONSULTATION

2.1 It is noted that a number of public representations were listed in the original report. However, the Local Planning Authority continued to receive representations following the

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publication of the original report, and therefore, for clarity, this report lists all of the representations received.

2.2 The application was originally advertised by writing to the neighbouring properties, by erection of a site notice and by advert in a local newspaper. All together the Local Planning Authority has received 86 representations, including 32 in support of the application. The objections received raised the following issues:

- The SNCI and wildlife network, including land used by Yew Tree Farm, should be protected from development given the value that it provides to wildlife and ecology.
- To allow the development would contradict the Council commitments in relation to the Ecological Emergency.
- The site is home to an insect species not known elsewhere.
- Consideration should be given to alternative sites or alternative burial methods where the impact would be less.
- The attenuation pond will attract leisure uses who will further disrupt the wildlife in the area.
- The proposal will impact on the viability of Yew Tree Farm, given the need to reduce herd sizes, impacting on food production within the city.
- A drainage run runs outside of the application site (Officer comment: the application site includes all the land associated with the development – this comment appears to relate to concerns raised regarding the original BNG assessment).
- This plan will only provide a short term fix, and will not address the long term need to find space for burials.
- The proposal will lead to the loss of greenbelt land.
- There are veteran trees on the site that would be damaged by the proposals.
- The proposal would set a precedent for further development on open space.

2.3 The supporting comments referred to the following issues:

- There is a need for the provision of additional burial space to meet the ongoing needs of the city.
- Improvements to the drainage are supported as parts of the site can become waterlogged.
- The proposal would meet the specific needs of certain religious groups, as well as providing space for baby burials.
- The cemetery supports a number of local businesses.
- A representation have been received from the Withers family, stating that the owner of Yew Tree Farm has no objection to the expansion, and was aware that this was proposed when renting the land.

2.4 In addition to this, numerous objections have been submitted on behalf of **Bristol Tree Forum**. These can be summarised as follows:

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Concerns were originally raised about the application of the requirements for Biodiversity Net Gain, and whether the City Council were applying the appropriate methodology.

Following this a detailed objection was received that the proposed development would be contrary to policy DM17 and DM19, on the following basis:

- Areas 3 and 4 are identified as an Urban Landscape, and the proposal would be harmful to this, contrary to DM17.
- 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.

Following the submission of a BNG assessment, the following concerns were raised:

- Initially, a number of queries and concerns were submitted about the BNG assessment. Particular concerns were raised about whether or not the BNG assessment covered the whole of development, particularly in relation to impact on on-site hedges relating to the laying of drains. In addition requests have been made that any mitigation scheme is subject to a 30 year management plans and that the applicant enter into a Conservation Covenant to secure the mitigation.
- Further assessment of the BNG proposals has revealed that it is only proposed to achieve a Biodiversity Net Gain of 2.51%, rather than 10% that is required by the Environment Act. It is also argued that metric 4.0 should be used and the provision of off-site biodiversity should be strongly discouraged.
- When the site was originally purchased for use as a cemetery there was little understanding of the climate or ecological emergency, and therefore the Council must give weight to the changes in circumstances when determining the application.
- It is the BTF contention that there will be a loss of biodiversity on site, and therefore clear harm to the SNCI is established.
- The value of the scrub land is underestimated, and the Council's ecologist has recommended that it continue to be managed in a similar way to existing (i.e. by grazing).

Following comments and correspondence between the Drainage Officer, the Ecologist and the Case Officer being made available, the following comments were made:

- There is a serious risk of flood at the site, which is dependent on the capacity of the receiving watercourse to accept the additional flow rate. There is no evidence that this capacity has been demonstrated. The proposal will need an Environment Agency permit and it has not been demonstrated that they will be able to secure one.
- The ecologist has raised a number of concerns with the proposal, including that in order to comply with the relevant policies it needs to be demonstrated that after the development the proposal will still meet the criteria for designation as an SNCI and

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that given the mitigation includes a number of other stakeholders, they must be consulted, and this has not been done.

After the previous Committee Meeting, additional commentary was received from the Tree Forum on the following issues:

- Contrary to claims made by the Council BTM have calculated that Yew Tree Farm will lose around 28% of the BCC land that it currently uses. In addition, the following queries need to be responded to before a decision is made:
 1. How will spoil from the excavation of the attenuation pond and drainage excavations be disposed of?
 2. How will the installation of the proposed drainage and fencing be phased?
 3. Construction Management and Transport Management Plans dealing with the methodology to be used to install the burial grounds, the attenuation pond and the associated drainage and to ensure that site access is managed in the way that will minimise damage to the SNCI needs to be produced.
 4. What methodology will be used to install the drainage?
 5. How will any damage caused by construction be made good in order to restore the site, in particular the SNCI, to its baseline state?
 6. A methodology for working within the roots of trees and hedgerows needs to be produced.
 7. A Landscape Ecological Management Plan (LEMP), which addresses the above points and sets out a long-term management plan which will secure the future of the Colliter's Brook SNCI, should be produced.
 8. A proposal to secure the ring-fenced funds required for discharging the LEMP obligations is required.
 9. The extent of the pasture land the Council proposes leasing to Yew Tree Farm must be identified and the lease agreed.

Further to this, BTR consider that there are inaccuracies in the submission relating to the number of burials that could be accommodated at the site, the fact that some of the surface water would drain directly into Colliter's Brook, rather than into the attenuation pond, the failure to secure land drainage consents and deal with land contamination prior to determination.

2.5 An Objection has been raised by **Avon Wildlife Trust**, on the following basis:

Bristol City Council has recognised that we are in the midst of an ecological emergency and need to take urgent action to protect and restore habitats for wildlife. Yew Tree Farm is an

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immensely rich wildlife habitat supporting a wide range of species including plants, bats and birds that are increasingly scarce in surrounding areas. This has been recognised through the designation of parts of the farm as an SNCI by Bristol City Council, which brings with it a presumption of protection from development.

In addition to its importance as an individual site, Yew Tree Farm is an important part of local ecological networks linking green spaces in the city with the wider countryside. The national approach to restoring nature as set out in Government strategies is based on the Lawton Report of 2010, Making Space for nature. This recognises that we need more, bigger, better and connected wildlife habitats to enable wildlife to survive and thrive and cope with climate change. Bigger sites are important because they have larger areas that do not suffer from the "edge effects" of being next to land where harmful pesticides, disturbance, or other activities which damage wildlife are ongoing.

In addition to the ecological imperative to retain the site as a whole, without losing land to development, there is a management imperative as the wildlife value of the site is dependent on the continuation of sympathetic extensive grazing and the grazed area needs to be large enough for this to remain commercially viable. For these reasons, Avon Wildlife Trust is opposed to all of the development proposals affecting Yew Tree Farm, including the proposed Redrow development extension in the eastern area of the farm and the extension of south Bristol Cemetery into the northern area.

2.6 Harvey Clan Trust have made 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.

2.7 The Lance Trust has made the following comment:

The Trust are aware that thanks to the light touch employed by the current tenant and owner of Yewtree Farm, the ecosystem has benefited enormously. As such, this farm provides an invaluable stepping-stone for some species that are able to move between Ashton Court & Avon Gorge SSSIs, Tickenham, Nailsea & Kenn Moors SSSI and the Chew Valley & Blagdon Lake SSSIs. Albeit on a small scale, Yewtree Farm showcases how nature-friendly farming can participate in the much-needed landscape-scale nature recovery projects that lowland England desperately needs. Taking all this into account, the Trust believes that the importance of this site must not be under-estimated.

in June 2021 the House of Commons Environmental Audit Committee stated "the biodiversity net gain policy, in its current form, does not go far enough in contributing to the transformative change necessary to address biodiversity loss in the UK ... the failure to move

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towards a system of net environmental gain risks undermining the government's plans for a green recovery and allows developers to focus entirely on biodiversity rather than treat the environment as a system. This could lead to severe habitat fragmentation."

Moving onto one specific area of concern, the Trust is worried by the proposal that an unknown amount of blackthorn and bramble will be removed in order to enhance or restore species-rich grassland areas. These thickets surround the core hedge-line structure and provide habitats for many finches and tits. It is a habitat in increasingly short supply within the surrounding area.

The Trust is aware that species-rich grassland is also an important ecosystem that's also under intense pressure but surely it would be better to focus on improving grassland elsewhere away from Yewtree Farm rather than removing invaluable habitat here? The Trust is also concerned with the proposals to remove other thickets bordering Colliter's Brook and close to the railways since these, too, provide protection and habitat for many species including otters.

3. OTHER CONSULTATION RESPONSES:

3.1 In addition to the consultation responses listed in the original report the following additional responses have been received:

3.2 The **Contaminated Land Officer** has comments as follows:

There are a number of issues that have not been fully addressed in the submission. However it is considered that these issues can be address by the standard contamination conditions, and it is recommended that these are attached to any permission granted.

3.3 The **Nature Conservation Officer** has commented as follows (please note that these comments were received prior to the original report, but it is considered that it may be helpful to Members to repeat these in further detail here):

The site is located in a rural area and is partially within the 'Collitors Brook' Site of Nature Conservation Interest (SNCI) and the 'South Bristol Crematorium' Wildlife Corridor, part of the Bristol Wildlife Network. The site is within the West of England Nature Partnership (WENP) Nature Recovery Network, within the woodland network model. There is no woodland on this site therefore further consideration for the sites strategic location in this network is not required.

BCC Policy DM19 applies to this application. DM19 states:

"Sites of Nature Conservation Interest

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Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.

Wildlife Corridors

Development which would have a harmful impact on the connectivity and function of sites in Wildlife Corridors will only be permitted where the loss in connectivity, or function, of an existing Wildlife Corridor is mitigated in line with the following hierarchy:

- a. Creation of a new wildlife corridor within the development site;*
- b. Enhancement of an existing corridor or creation of a new corridor off-site to maintain the connectivity of the Bristol Wildlife Network.”*

Site management with regards to DM19

An Ecological Mitigation Proposals report (Wessex Ecological Consultancy, 2023) was submitted in April following concerns being raised in February.

Subsequently, the following comments were made:

If commitments can be made by all parties (the tenant farmer, the cemetery team, and an ecologist) to the extensive habitat management required on this site to maintain SNCI status (where relevant) and a legal agreement can be made to secure this, then I could consider whether there would be no significant harmful impact to the SNCI further.

Also the BNG Assessment requires some amendments. The baseline habitat lost does not match the development footprint, plus the area of new habitat creation and enhancement. This needs to be explained or fixed. And if there is a new headwall/outfall going in to the Collitors brook the BNG assessment has to include the watercourse metric and a net gain in biodiversity for this habitat must also be achieved.

The applicant addressed these comments by confirming the following:

The Council is the only relevant party to confirm the commitment to manage the site in accordance with arrangements identified within the supplementary mitigation document submitted on the 6th April 2023. These were produced by the Project Ecologist – Rupert Higgins, in consultation with the Natural and Marine Environment Service, including cemetery staff that will be responsible for management activities.

It was confirmed that Bristol City Council 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.*

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Concerns on the site area discrepancies and the watercourse metric were also addressed to the satisfaction of the Council's ecologist. The BNG metric (3rd August) shows a minor uplift in river units.

Following this, the case officer was able to confirm with the ecology officer that a management plan for the site can be conditioned to secure the measures required to maintain the habitats on the site to their target condition in the BNG metric, and to maintain the SNCI status of the site. On this basis it is recommended that the site management is secured through a condition requiring a Landscape and Ecological Management Plan for a period of 30 years.

Biodiversity Net Gain

The Ecological Report (Wessex Ecological Consultancy, 2022) is thorough and appropriately describes the ecological features of the site.

The latest Biodiversity Net Gain Assessment (BNG) (Wessex Ecological Consultancy, August 3rd 2023) calculates a 2.82% gain in area habitat units, 107% gain in hedgerow units and a 0.19% gain in river units.

This does emphasize the need for a detailed and bespoke management plan which will need to be agreed with the parties who will be implementing it long term (Natural and Marine Environment Service teams), but subject to this the Ecologist has raised no objection to the proposals.

4. KEY ISSUES

(A) IS THE STRATEGIC NEED FOR THE CEMETERY JUSTIFIED?

4.1 Key issue A of the original reports outlines the principal land use issues that are relevant to the development of the site. This includes that the use of Green Belt land as a cemetery is considered to be an appropriate use. For clarity, therefore, granting permission for this use would not set a precedent for other development on Green Belt land. There is no current planning policy requirement, therefore, to demonstrate that other sites have been considered before allowing the development of the site. As such, the scheme needs to be considered on its own merits.

4.2 Notwithstanding this, at the meeting Members specifically raised concerns that the need for burial spaces was not being considered strategically, and alternative sites for the use had not been considered.

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4.3 In this respect the applicant has stated that burial practice is governed and restricted by existing law of England and Wales and the shortage of burial space is a national issue. Under existing law, the opportunities for development of new burial plots within previously unused areas of existing cemeteries have been exhausted and there are no present alternatives to developing new burial provision. In the longer term it is expected that outcomes from a Law Commission Review 'A Modern Framework for Disposing of the Dead' may lead to legislative changes within the next decade that could provide future opportunities and flexibility to the Council. The review will not be completed in a timeframe which would offset the requirement for the new proposed burial provision, however outcomes will be able to help shape future strategies for how longer-term provision is provided to follow on from the additional burial plots provided through the cemetery expansion.

4.4 Under the existing law there is a duty on Local Authorities:

- To provide and regulate cemeteries under the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977.
- To provide and maintain mortuaries.
- To undertake, if appropriate, the care and disposal of dead bodies.
- To carry out the statutory requirements regarding the registration of burials.
- To establish and administer crematoria.

4.5 In respect for the existing burial provision, no new plots have been made available at the other existing cemeteries since 2020/21. There are currently 270 non-denominational plots remaining in the cemetery, which are forecast to be utilised within the next three years.

4.6 It should also be noted that the Council have very limited resilience for future pandemics or other similar events. Bristol City Council also has a Public Sector Equality Duty under the Equality Act 2010. The Council is responsible for a growing, diverse community and it is essential that it provides the necessary infrastructure to accommodate all citizens who will encounter bereavement at some point and ensure it adequately plans for the long-term future. Alongside personal choice for burials a number of faiths do not allow cremation and require provision of burial space to meet their religious requirements. These include, but are not limited to Orthodox Jews, Muslims and the Greek Orthodox Church.

4.7 There is clearly a need for additional burial space within the city. The Council undertook assessment between 2020 and 2022 of potential sites for new cemetery provision within North Bristol at the point of remaining provision at Canford Cemetery becoming fully utilised. This was considered as an option to spread ongoing burial demand and provision across the City, which would in-turn have reduced the scale of development required at South Bristol Cemetery. The conclusion of the assessment was that no suitable sites could be identified, which met suitability criteria for new cemetery provision.

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4.8 This should be seen in light of the increasing demand for space within the city. The City is not currently meeting its housing needs, and this is putting additional pressure on existing green space in the city. Another significant criteria in this assessment was distance from public transport routes, and the accessibility of sites.

4.9 The existing cemetery benefits from significant supporting infrastructure. Cemeteries are a greenfield use, a completely new development would result in loss of a larger area of green space to provide the commensurate infrastructure and facilities than those required to expand the existing cemetery provision. The facilities available at the existing site include car parking, a chapel, public toilets, reception, welfare facilities for staff, compounds and shed for serving vehicle and plant. Development of new facilities commensurate with those provided at South Bristol Cemetery would result in considerably greater embodied carbon in construction materials, and significantly greater road movements for construction phase transportation creating additional impacts on surrounding communities.

4.10 As set out above, there is no planning policy test that needs to be met in this regard, but this is provided to give some clarity as to why this site was chosen for the purposes of this development.

(B) WOULD THE PROPOSAL HAVE A HARMFUL IMPACT ON THE SETTING OF HERITAGE ASSETS?

4.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) (Forge Field) and in Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust and Secretary of State for Communities and Local Government [2014] EWCA Civ 137 it is made clear that where there is harm to a listed building or a conservation area the decision maker 'must give that harm considerable importance and weight' [48].

4.12 Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2021 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 states that where

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there is less than substantial harm, this harm should be weighed against the public benefits of the proposal.

4.13 Policy BCS22 of the Core Strategy requires development to safeguard or enhance heritage assets, which includes historic buildings, both nationally and locally listed, and conservation areas.

4.14 As set out in the original report the proposals impact on the settings 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.

4.15 For clarity, the relevant test here is not whether the development will be visible in relation to the heritage assets, it is whether or not it impacts on the setting such that it harms the significance of these assets. In relation to all of these assets, the essential element of their setting that contributes to their significance is considered to be the relative open and verdant surrounding. The development would be low scale (i.e. paths, graveside features) and would not impact on the openness of the surrounding character.

4.16 It is also material that the proposed is separated from these assets be established and clearly defined planted boundaries. In relation to the CEGB building and surrounding gardens this would significant limited visibility between the application site and the listed assets. However, even in relation to Elm Farm, where the boundary treatment is less substantial, visibility between the sites would be limited.

4.17 In the original report it was concluded that the proposal would have no adverse impacts on the neighbouring assets, and it is considered that this conclusion is sound and there would be no reasonable justification for the refusal of the application on these grounds.

(C) WOULD THE ECOLOGICAL IMPACTS OF THE DEVELOPMENT MEET THE RELEVANT POLICY TESTS?

4.18 In relation to ecology, it is noted that the original report sets out, from 10.10 onwards how the impact on ecology is assessed. However, concerns were raised in the meeting regarding compliance with policy DM19, and it is also considered that issues around the

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protection of the SNCI and Biodiversity Net Gain became conflated. Members should also be aware of the comments from the Council's Ecologist which are set out above.

4.19 For clarity, policy DM19 states as follows:

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:

- i. Be informed by an appropriate survey and assessment of impacts; and*
- ii. 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*
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.*

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.

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.

Sites of Nature Conservation Interest

Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.

Wildlife Corridors

Development which would have a harmful impact on the connectivity and function of sites in Wildlife Corridors will only be permitted where the loss in connectivity, or function, of an existing Wildlife Corridor is mitigated in line with the following hierarchy:

- a. Creation of a new wildlife corridor within the development site;*
- b. Enhancement of an existing corridor or creation of a new corridor off-site to maintain the connectivity of the Bristol Wildlife Network.*

4.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that 'where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

4.21 The northern part of the site is currently allocated as SNCI, as well as part of a wildlife corridor, and therefore the requirement to protect this is key to the decision on the application. It is also noted that as originally submitted there was clearly a concern from the ecologist that the proposal would have a harmful impact on the SNCI. However, an Ecological Mitigation Strategy was submitted during the course of the application. The

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applicant has also stated that comparisons to ecological surveys over the last 20 years suggests a reduction in grassland value and species diversity, which corresponds to the significant scrub and bramble incursion, and in light of this it will be necessary to require a change to the management of this land to retain its ecological value. It is the view of the Council's ecologist that the proposed management strategy is critical to the acceptability of the development and will ensure that the features of the site which led to it being designated as an SNCI will be maintained and enhanced such that it continues to function as an SNCI.

4.22 At the meeting, concerns were raised about the impacts during the construction work. Whilst the works are largely low impact (in comparison with a more urban development), there will be a need for some site clearance, as well as drainage runs, including below hedges, and an attenuation pond. It is critical that this process, particularly how the works are phased, are managed in a way that mitigates the impact. Officers are satisfied that securing this through a condition would be in accordance with good practice, and would give appropriate control to the Local Planning Authority to the construction process.

4.23 With regards to Biodiversity Net Gain, it is noted that in the comments reference is made to the requirements of the Environment Act 2021, and the need for developments to achieve a 10% BNG. However, the relevant requirements from the Act have not yet been enacted, and this would only come into force for application submitted from January 2024 onwards. Bristol City Council also do not currently have a policy requiring a 10% uplift. The policy requirement, therefore, is currently set out in section 15 of the NPPF, which includes the requirement for planning policies to contribute to the management of the local environment by 'minimising impacts on and providing net gains for biodiversity'. Again, as set out above, the Council's ecologist is satisfied that the submitted BNG assessment has been carried out appropriately and that the development would secure a policy compliant net gain.

4.24 Concerns had previously been raised by the ecologist that the Biodiversity Net Gain plan would require land outside of the applications site, and it was not clear whether that land was in the control of the City Council. However, Officers have subsequently confirmed that all of the land required is in control of the Council, and that the Council is committed to the management of this land for the next 30 years, in accordance with good practice. This is proposed to be secured through appropriate conditions.

4.25 For clarity, a positive BNG score does not guarantee that any development would not have a harmful impact on the SNCI, and therefore does not on its own demonstrate compliance with policy DM19. Notwithstanding this, Officers are satisfied, as advised by the Council's ecologist, that the proposal will both not harm the SNCI and achieve a positive BNG score. It is on this basis that it is concluded that proposal complies with policy DM19.

Development Control Committee B – 29 November 2023**Application No. 22/05714/FB : South Bristol Crematorium And Cemetery Bridgwater Road Bristol BS13 7AS****(D) WOULD THE PROPOSAL IMPACT ON THE VIABILITY OF YEW TREE FARM?**

4.26 Concerns were raised at the previous meeting, as well as in consultation responses, about the impact of the development on the continuing viability of Yew Tree Farm. It is material to this that the grazing land that will be removed from Yew Tree Farm is all in the ownership of Bristol City Council, and the applicant contends that the current farmer has no legal right or interest over the land. This is on the basis that the land was let to another party up until June 2021, and sub-let to Yew Tree Farm. When the previous tenancy ceased in 2021, an informal agreement with Yew Tree Farm was put in place to allow them to continue to graze cattle on the land. It is understood from representations that it was made clear to the owners that that the site was identified for cemetery expansion, and that this agreement would be temporary. The cemetery expansion proposal will not impact on the formal, legal boundaries of Yew Tree Farm, and therefore there is no implication in terms of adopted policy that requires consideration here.

4.27 Notwithstanding this, policy BCS23 does require that any development takes account of the impact on the viability of business on neighbouring land. This is particularly an issue here, given the natural farming practices at Yew Tree Farm, which can be impacted by boundary condition. However, it is considered that this impact can be managed as part of the long term management of the land, secured by the conditions referenced above.

4.28 It is also relevant to consider that the proposal would result in the loss of grazing land currently in use by Yew Tree Farm. It is noted by the applicant that the Farm currently has access to 119,500 sqm of BCC land to use as grazing (which is in addition to the land within the legal boundaries of Yew Tree Farm). Of that, around 82,000 sqm is grassland available for grazing. As part of the management of land it is intended to restore grassland within this area (i.e. by clearing scrub), which will in part compensate of the loss of grassland on the site.

4.29 However, the applicant is content for grazing of part of the site to continue. Provided an agreement can be reached for Yew Tree Farm to continue to use BCC land the applicant calculates the loss of grazing land in BCC ownership that would result from the development will be approximately 3% in phase 1. A further 10% reduction would result in phase 2. Whilst the timing of phase 2 will be large driven by demand, it is anticipated that it will be at least another 10 years before this is required. Given the long lead in time until the impact of phase 2 arising it is considered reasonable to assume that alternative arrangement to replace the loss of grazing land can be secured. This would be subject to any agreement reached with Yew Tree Farm, which will need to include details of management, and will requires some changes to the current practices. However, the overall impact in the short term would be minimal, and even in phase 2 would be relatively small in relation to the area of land available for grazing.

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(E) THE IMPACT OF THE PUBLICATION OF THE REVISED LOCAL PLAN

4.30 As Members will be aware, by the time of the meeting, the Publication Version of the Revised Local Plan will have been published, having been agreed by Full Council on 31st October 2023. This is a material consideration in determination of the application, although the weight that can be given to the policies will depend on a number of factors, including compliance with the NPPF and level of objections to the policies.

4.31 In relation to the designation of the site, it is noted that the designation of parts of the cemetery are proposed to change as a result to the revisions to the Local Plan, but this does not impact on the area that will be subject to the development. Therefore, there are no changes to the principal land use considerations.

4.32 The revisions to the Local Plan do include a suite of policies relating to ecological impact. This includes BG2, which states that development should be refused if it has a 'significantly harmful impact on local wildlife and geological sites, comprising Sites of Nature Conservation Interest (SNCIs) and Regionally Important Geological Sites (RIGS)'. This is a change from the current policy which suggests a refusal if there is any harm to the SNCI. In addition, emerging policy BG3 requires a 10% Biodiversity Net Gain, which accords with the future proposals as set out in the Environment Act.

4.33 The emerging plan also includes policies around the protection of food growing within the city, in particular policy FS3, which requires 'Development which would have an unacceptable impact on the viability of an existing local food growing enterprise will not be permitted.' This issue is addressed in key issue D above.

4.34 In this case, the application accords with emerging policy BG2, as set out in key issue C. Indeed, that policy appears to allow for a degree of harm to the SNCI to occur, subject to appropriate mitigation. Whilst the proposal does not accord with BG3, this is a material consideration of limited weight in the decision on the application, particularly given the discrepancy with national policy and legislation at this point in time. In the view of Officers it is clearly outweighed by other material considerations, including the duties placed on local authorities regarding care and disposal of the deceased, as well as the public sector equality duty.

5. CONCLUSION

5.1 The previous report concluded that the development would comply with the relevant policies and there are significant benefits in supporting the development, particularly around Bristol City Council meeting its obligation around equality and dealing with the deceased. It

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is recognised that there are significant levels of public concern about the proposals, particularly in relation to the potential impact on Yew Tree Farm and the ongoing status of the site as an SNCI.

5.2 However, any assessment against adopted planning policy suggests that there is no policy basis for refusing this application. In relation to the SNCI, it is noted that the management of the site will need to change given concerns related to scrub and bramble incursion and the Council's ecologist has advised that it is considered that the application can secure management of the site to ensure it retains its SNCI status over the next 30 years.

5.3 With regards to Yew Tree Farm, the proposal will not impact on the formal, legal boundaries of the farm. It is recognised that the application will result in changes to established practises at the site. Notwithstanding that, there is no basis in planning policy to refuse the application as a result of this. Any separate negotiations with the owners of Yew Tree Farm to continue using some of the site for grazing are a land ownership issue, and beyond the powers of the Local Planning Authority to secure.

5.4 In view of this the previous recommendation is sound, and the recommendation remains to approve the application.

5.5 Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

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.

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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.

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".

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3. Landscape Plan

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.

The approved scheme shall be implemented so that planting is carried out in accordance with a programme submitted to and approved in writing by the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To ensure that the site is landscaped.

4. Arboricultural Supervision

Prior to the commencement of any work within the root protection area of the oak tree (ref. T951 in the submitted Arboricultural Impact Assessment), as well as any works within the root protection area of any retained hedge, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant and the designated site foreman to discuss details of the working procedures. A schedule of visits shall be drawn up to ensure the project arboricultural consultant is present during key stages of works adjacent to the tree.

Site visits must be carried out during the key stages identified above. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority, prior to occupancy. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

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5. Construction Environmental Management Plan (Biodiversity)

No development shall take place on each phase of development (including ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for the relevant phase has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following, where relevant:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of "biodiversity protection zones";
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs;
- i. A summary excerpt that can be placed on notice boards within welfare units and easily read and understood within site induction packs.
- j. Details of any temporary lighting, including light spill from the location of the works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the retention of the ecological value of the site and to protect species and habitats.

6. Land affected by contamination - Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings

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must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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

7. Land affected by contamination - Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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.

Pre-occupation conditions

8. Land affected by contamination - Implementation of Approved Remediation Scheme

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

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.

9. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

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Reason: To ensure that risks from land contamination 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.

List of approved plans

10. 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

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Reason: For the avoidance of doubt.

Advices

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.

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.

APPENDIX – Original Committee Report

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).
- 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
- Bridgewater 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.

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 19th 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, 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

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

- 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 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 been properly addressed. As a result, this proposal still fails to demonstrate that these plans will meet the requirements of the National Planning Policy Framework² (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. 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.
- 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 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:

“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 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 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.

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 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.

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

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.

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

1. 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 25th July 2023

Dear Peter,

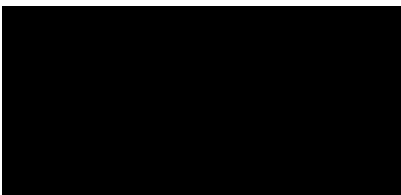
RE: 22/05714/FB | South Bristol Cemetery Expansion

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 24th 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 6th 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



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**

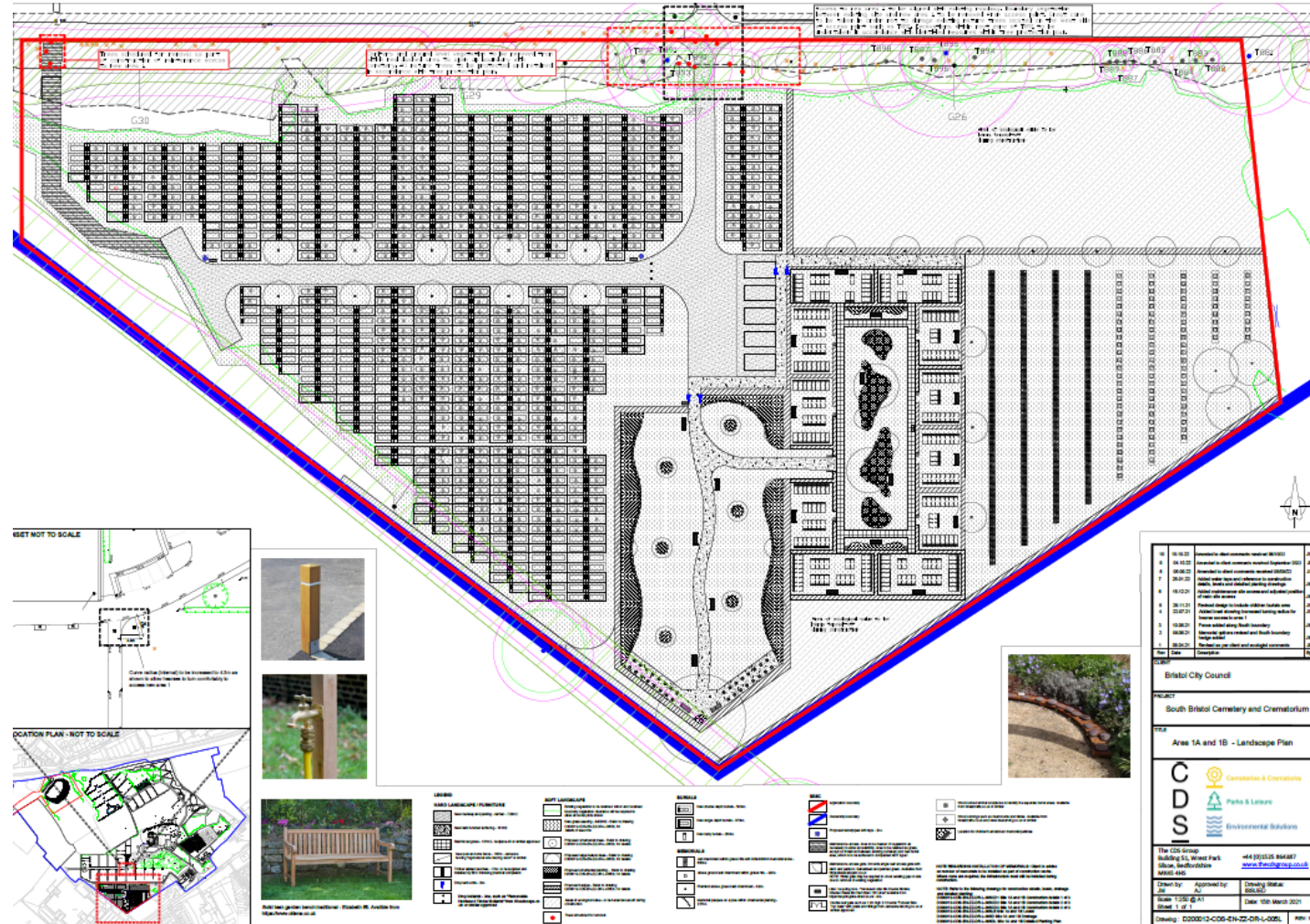
Application site



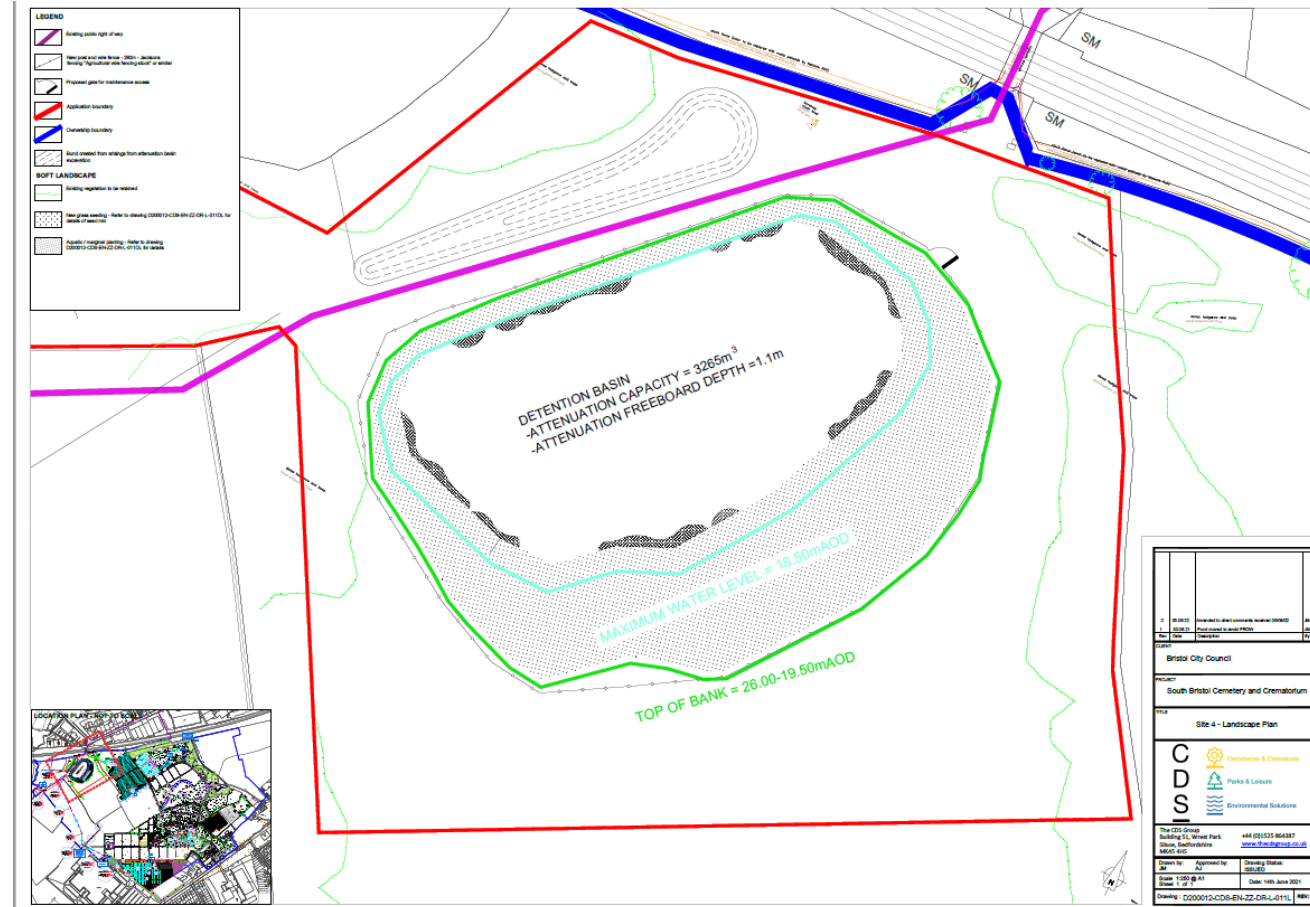
Application site



Proposed New Plots



Proposed 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

