

Addendum Sheet – Baltic Wharf 21/01131/F

Ecology

An updated BNG metric and report has been submitted following the Ecologists previous comments that the Tree canopy data had been incorrectly calculated. Amended planting plans and planting schedules were also submitted to accompany the BNG report. These are all published onto the website.

The revised Ecologist comments are as follows:

“The site is located in an urbanised/rural area and is 12m away from the Floating Harbour Wildlife Corridor to the north, and 25m away from the River Avon Site of Nature Conservation Interest (SNCI) to the south. The site is within the West of England Nature Partnership (WENP) Nature Recovery Network, within the watercourse network. This site is unlikely to impact the watercourse network, or the aquatic/riparian habitats nearby as long as appropriate pollution prevention measures are in place during construction.

The Biodiversity Net Gain assessment has been updated with the latest version of the metric (the statutory metric) following revisions with updated guidance and landscaping proposals. The BNG metric calculates a -38.74 loss in area habitat units, and a 27.20% gain in hedgerow habitat units on site. Through offsite habitat creation (tree planting via the BTRS requirements for this site) the summary of biodiversity loss for this planning proposal is - 7.86% loss in area habitat units, and a 27.20% gain in hedgerow habitat units on site.

An overall 10% net gain and compliance with the trading rules is not mandatory as this application was submitted before the 10% BNG policy became mandatory on February 12th. Nonetheless, this application is not achieving an overall net gain in biodiversity in line with the revised National Planning Policy Framework (NPPF, 2023) which requires a “measurable net gain” to be achieved. If this application is deemed approved, a two-phase Biodiversity Net Gain condition is set out below, in which the applicant must provide a biodiversity net gain plan outlining how a biodiversity net gain will be achieved by meeting the biodiversity unit requirement (at least 0.45 units), and evidence that the biodiversity unit fulfilment has been met before works commence.

To offset biodiversity loss following the BNG hierarchy development applicants must prioritise: onsite (no longer an option if deemed approved), offsite on own landholdings, offsite via purchase of biodiversity units, offsite via purchase of biodiversity credits. Every effort should be made to deliver biodiversity offsetting for this development within Bristol. It must be demonstrated that all opportunities to do this have been explored before the option of purchasing units from a provider outside of Bristol will be considered.

When an offsetting option is confirmed, the metric must be amended to reflect the offsetting and demonstrate that a net gain in area habitat units can be achieved. The ‘delay in starting habitat creation (years)’ column needs to be completed for all proposed habitats on and off site, and a Habitat Monitoring and Management Plan (HMMP) must be provided. This is conditioned below.

The updated ecology note also recommended that a single nocturnal roost survey will be required on buildings B1 and B2 which were classified as having low bat roost suitability. It was agreed in a meeting with the applicant’s ecologist (The Environment Partnership) on 20th February that, if this application is granted prior to the bat survey season commencing (May) further survey work and application for the relevant license (if required) will be carried

out and that this can be conditioned (requiring the applicant to produce a Favourable Conservation Method Statement (FCMS). If, however this application is not granted prior to the bat survey season commencing, the additional surveys required for bats on this site must be completed if the applicant wishes to pursue developing the site.

The following conditions should be applied if this application is deemed approved:

Favourable Conservation Method Statement (FCMS)

Prior to the commencement of the development hereby approved, the applicant shall submit a Favourable Conservation Method Statement (FCMS) with the results of a single nocturnal bat roost survey on buildings B1 and B2, completed by a suitably qualified ecologist. If a Natural England protected species license is required following the results of this survey, this must be obtained, and evidence provided to the Local Planning Authority. If a license is not required details of how the potential presence of bats will be treated with precaution during building B1 and B2's demolition shall be included in the FCMS.

Reason: in the interest of protecting bat species, legally protected under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

Precautionary Method of Working (PMW)

Prior to the commencement of development hereby approved, including all site clearance and vegetation removal, a method statement for a Precautionary Method of Working (PMW) with respect to the potential presence of bats in tree T2 as described in the Preliminary Ecological Appraisal (The Environment Partnership) shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the approved method statement.

Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations.

Guidance: According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.' Reason: To conserve legally protected bats and other nocturnal wildlife.

Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of bird, bat and insect boxes. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '*... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments

deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that '*Planning policies and decisions should contribute to and enhance the natural and local environment...*'.

Green Roof Method Statement and Plan

Prior to commencement of the development hereby approved the applicant shall submit a Method Statement prepared by a suitably qualified ecological consultant or landscape architect shall be submitted to and approved in writing by Bristol City Council for the creation of living roofs and/or walls. This shall include management details e.g watering/care schedule, species/seed mix avoiding the sole use of sedum, provision of features for invertebrates, and details of the provision of new plants should the originals fail. All details shall be shown on a scale plan of the site.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: '*Proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks*'.

Guidance: Please see: <https://www.greenroofers.co.uk/> and <https://livingroofs.org/> for further information and the following reference: English Nature (2006). Living roofs. ISBN 1 85716 934.4 Internet address: <https://documents.net/document/english-nature-triton-full-living-roof-the-structure-may-need-to-be-assessed.html>

Please note that a living roof can be integrated with photovoltaic panels.

The living roof should include calcareous wildflowers and should not employ significant areas of *Sedum* (Stonecrop), as the latter has limited value for wildlife. The Method Statement should include details of the layout (measurements should be provided), construction and design of the living roof. Design elements should include the following: stones, shingle and gravel with troughs and mounds; log piles; mounds of pure sand 20 to 30 cm deep; coils of rope and areas of bare ground. The use of egg-sized pebbles should be avoided because gulls and crows may pick these up and drop them. An overall substrate depth of at least 10 cm comprising crushed demolition aggregate or pure crushed brick is desirable. Deeper areas of substrate which are at least 20 cm deep are also valuable as they provide refuges for animals during dry spells. An area of wildflower meadow should also be seeded on the roof for pollinating insects. Details of the seed mix and planting proposed should also be submitted, together with a maintenance/management schedule.

Nesting Birds

If works are proposed within the nesting bird period (March to August inclusive), nesting bird checks shall be completed by a suitably qualified ecological consultant to ensure that no breeding birds would be adversely affected including by disturbance by the works. Where checks for nesting birds are required, they shall be undertaken no more than 48 hours prior to the removal of vegetation. If nesting birds are found, a 5m buffer zone shall be implemented and works shall not be carried out in that area until the chicks have fledged.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

Soft Landscape Plan

Prior to the commencement of the development hereby approved, a finalised soft Landscape Plan including a planting schedule, shall be submitted to and approved in writing by Bristol City Council.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: '*Proposals for new buildings will be expected to incorporate opportunities for green infrastructure*'. And to comply with the revised National Planning Policy Framework (NPPF, 2023), which 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...*',

Habitat Management and Monitoring Plan (HMMP)

Prior to commencement of the development hereby approved, the applicant shall submit a 30-year Habitat Management and Monitoring Plan (HMMP). This should address retained features of ecological interest, together with mitigation and enhancements to be provided. The HMMP should set out management compartments, objectives, and prescriptions for all new proposed soft landscaping/planting to demonstrate how all habitats will be managed to their target condition (as specified in the BNG assessment). It should also show how management of the site will be resourced and monitored.

Reason: (a) Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2023). (b) 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.

Biodiversity Net Gain

The applicant shall not commence any site clearance or demolition works until a biodiversity net gain plan containing details of how the full habitat unit requirement will be met, has been submitted to and approved in writing by the Local Planning Authority. No above ground development will be carried out until evidence that the full habitat unit requirement has been secured (in accordance with the approved biodiversity net gain plan), and an updated copy of the statutory biodiversity metric has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the delivery of measures to ensure that biodiversity net gain is achieved in accordance with policy DM19 of the Site Allocations and Development Management Policies and paragraphs 185 and 186 of the National Planning Policy Framework (2023)."

TRANSPORT

Further comments have been received from TDM 17/4/24 to provide updated conditions and informatives' from when they were originally submitted in 2021, Officers request that these conditions and alterations form part of the Officers recommendation and recommended conditions.

The conditions are as follows:

Delete condition 2 (standard CMP)	Replace with - B38 Construction Management Plan – Major Developments
New conditions:	<p>“Highway works – General Arrangement Plan</p> <p>No development shall take place until General Arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> - Widening of the vehicular crossover, resurface and where required reconstruct the footway; - Wayfinding signage to clearly sign the pedestrian route through the site from Cumberland Road; - Warning signage at the top and bottom of the ramp to Harbourside Walk - Resiting of streetlighting column adjacent to the vehicular access point and upgrading of streetlighting adjacent to the site. - Car club bay on Sydney Row <p>Indicating proposals for:</p> <ul style="list-style-type: none"> - Existing levels of the finished highway tying into building threshold levels - Structures on or adjacent to the highway - Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works <p>Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of public safety, to promote sustainable travel and aid wayfinding and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.”</p>
	<p>“Structure Adjacent To/Within 6m of the Highway</p> <p>No development shall take place until Highway Structures Technical Approval (TA) has been granted by the technical approval authority (TAA) based on submission(s) setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of highway users) will be assessed, excavated, constructed, strengthened or demolished. Technical Approval submissions shall be submitted in writing, and TAA approval, if granted, shall be in the form of a signed Design and Check Certificate.</p> <p>Reason: To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phase of the development.”</p>
	B39 Highway Condition Survey
	C5A Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on approved plans
	C7 Completion of Vehicular Access – Shown on approved plans
	C8 Completion of Pedestrians/Cyclists Access – Shown
	C12A Completion and Maintenance of Car/Vehicle Parking – Shown
	C29 Management and Maintenance of Private Streets
	C30 Permissive Routes
	<p>Provision of Vehicular Visibility Splays</p> <p>No building or use hereby permitted shall be occupied or use commenced until visibility splays 2.4 metres back from the centre line of the access and extending 25 metres on the nearside carriageway edge shall be provided at all accesses/junctions, as shown on the approved plans.</p>

	<p>Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.</p> <p>Reason: To ensure motorists have clear and unrestricted views of approaching cyclists/vehicles in the interest of highway safety.</p>
	<p>Car Club</p> <p>No building or use hereby permitted shall be occupied or use commenced until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise (where applicable):</p> <ul style="list-style-type: none"> • The allocation of one car club parking space provisionally in Sydney Row • The provision of one car club car • Provision of car club membership for all eligible residents of the development for a minimum of three years • Promotion of the scheme • The phasing at which the scheme will be introduced <p>Reason: In order to reduce the need for excessive car ownership</p>
	C39 Delivery & Servicing Plan
	C41 Waste Management Plan
	C42 Car Park Management Plan
	<p>Traffic Control System/Pedestrian Access</p> <p>No building or use hereby permitted shall be commenced until details of the proposed traffic management/control system for vehicles accessing the ramp within the eastern car park and a delineated walking route to the buildings stair and life cores, cycle stores and bin rooms has been prepared, submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety</p>
	<p>Maintenance Plan</p> <p>No building or use hereby permitted shall be occupied or use commenced until a maintenance plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved maintenance plan for the lifetime of the development. The maintenance plan shall include:</p> <ul style="list-style-type: none"> -The contact details of a suitably qualified member of staff who will be responsible for overseeing all maintenance; -Details of how often and by whom the platform lift, car park and external lighting, CCTV, security roller shutters, pedestrian/vehicular entrance management/control systems will be serviced/maintained; <p>Reason: In the interests of highway safety</p>
Delete EV Condition (25)	Now Superseded by Building Regulations
Proposed advices:	I021A) Alterations to Vehicular Access
	I024A) Works on the Public Highway
	I043A) Impact on the highway network during construction
	I044A) Restriction of Parking Permits – Existing Controlled Parking Zone/Residents Parking Scheme
	I052) Highway Condition Survey

	I053) Excavation Works on the Adopted Highway
	I054) Private Road
	I055) Street Name and Numbering
	I059) Structure Adjacent To/Within 6m of the Highway
	<p>Access to Private Roads for the Collection of Domestic Waste</p> <p>The development hereby approved includes private road(s). You are advised that you will need to provide an indemnity to Bristol City Council before waste can be collected from households served by these road(s). As the collection of domestic waste is a statutory requirement, the use of private waste contractors is not permitted. Contact Bristol Waste at BWCPlanning@bristolwastecompany.co.uk</p>

4 further objections received since the submission of the officers' report, raising the following points:

- Cumberland road is a 30mph road not 20mph as detailed in the TDM comments, therefore a larger visibility splay will be required. *[TDM Manager response: It is acknowledged that the developments' access on Cumberland road would need to reflect the active traffic regulations and TDM Officers confirm that it would be standard practice for the detailed design of any access to be safety audited at the technical approval stage of the S278.]*
- If the project runs at a loss to provide affordable housing then the developer may wish to reduce the affordable housing provision in the future
- Existing infrastructure and road network are insufficient for anticipated increase in population
- Loss of mature trees
- Similar units cannot be sold nearby – will these also stand empty
- A number of factual errors occur in the officers' report. Including that the site is fully in flood zone 3, not 2 and 3; the site should not be considered brownfield; no site notice has been erected on the site; the site is not mainly hardstanding, but only the roads around the site the rest is grass and gravel; the site is not tenure blind; unnecessary use of the term 'much needed housing'; the site will have an impact upon the homes along the eastern boundary; and 82 out of 102 trees will be lost the report stated 'a number of trees'.

The **Bristol Tree Forum** have also provided further comments:

Notwithstanding our request for the consideration of this matter by DCC A next week to be adjourned, I have reworked the applicant's revised Statutory Metric calculation - 21_01331_FREVISED_STATUTORY_BNG_METRIC-3665394 - to reflect what we say is the correct approach to the mitigation that will be required should this application be approved.

This is premised on the following assumptions:

1. That all Urban Individual trees habitats have High Strategic significance - we have already made representations as to why this is the correct allocation to make.
2. That there will be a delay of two years in the creation of all new habitats.
3. That the Statutory Metric trading rules are complied with so that there is zero net loss of Urban Individual trees habitat, which is a Medium Distinctiveness habitat.

No other changes have been made to the applicant's calculations.

Please note that, whilst we do not agree that the condition of the offsite Urban Individual trees habitat should be set to Poor (we say it ought to be Medium), we have retained the applicant's designation for the sake of this exercise.

On the basis of the above, we calculate that an additional 0.4682 hectares of Urban Individual trees habitat will need to be created offsite. This will require a further 115 'small' SMC category trees to be planted in addition to the 162 proposed by the applicant.

I also invite the NCO to give consideration to the planning conditions we agreed during the Brislington Meadows Appeal as being, perhaps, a possible model for what is required in this application. I attach a copy of that decision and ask the NCO to give consideration to Annex C, conditions 8, 19 & 25. Whilst the context is different, I suggest that these conditions could serve as a model for the conditions which will be required here, in particular to the offsite mitigations required.

[Officer note: The Nature Conservation Officer has reviewed these comments and the requested conditions and can confirm that the conditions already form part of the recommended conditions, apart from condition 25 as that was part of a reserve matters application and this proposal is not a phased development so would not be relevant in this case.]

Officer Recommendation: No change to the Officers' Recommendation, subject to the inclusion of the above recommended conditions.