



21/05164/F | *Erection of 157 no. dwellings (MAJOR).* | *Land On The West Side Of Novers Hill Bristol*

Bristol Tree Forum ancillary comments

Since we submitted our recent comments, two further issues have arisen regarding the status of the site:

1. It is a Valuable Urban Landscape

The development site is a **Valuable Urban Landscape** as defined in DM17. The development proposals do not fall within the exceptions set out in DM17. As a result, DM17 prohibits the current proposals from being allowed to proceed.

2. It is a Site of Nature Conservation Interest (SNCI).

The development site also falls within the Pigeonhouse stream and adjacent meadows SNCI. DM19 states that development proposals which will 'have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest' on an SNCI, will not be permitted. As a result, DM19 also prohibits the current proposals from being allowed to proceed.

1. The Valuable Urban Landscape issue

Novers Park (also known as the Western Slopes) is identified in DM17 as a '*prominent green hillside*' in the Site Allocations and Development Management Policies Local Plan - Valuable urban landscapes within Bristol (map 4)¹. As a consequence, any proposed development on Novers Park is subject to the limitations placed on what development is permitted under DM17.

Initially the LPA conceded that '*some of the land off Novers Hill allocated for development in the Bristol Local Plan Sites Allocation Information document does appear to overlap with the prominent green hill side shown on map 4.*'

Subsequently, they admitted that '*As the map was not drawn to be precise it is not possible to be definitive on this matter but it would appear that this area is a green hillside as described in DM17 - the wording of DM17 (green hillsides...valleys), the indicative map and its actual characteristics suggest that.*'

However, the position taken by the LPA is that '*The adopted Local Plan Policy DM17 refers to urban landscape and sets out a policy regarding important features such as green hillsides, promontories and so on. Paragraph 2.17.5 refers to Map 4 which indicates the location of the main valuable landscapes. There is no list of these landscapes*².'

¹ https://www.bristol.gov.uk/documents/20182/34540/BD5605%20Site%20Allocations_MAIN_text%20V8_0.pdf/46c75ec0-634e-4f78-a00f-7f6c3cb68398 - section 2.17.5, page 37. It is annexed to our initial comments at page 6

² This is surprising given that the map must originally have been based on some sort of list of sites.



They went on to add that *'As stated, the landscape is reflected in the site allocation's development considerations which call for the design to respect the sloping nature of the site and have regard to long distance views and prominence. Accordingly, DM17 doesn't over-rule or conflict with the site allocation which itself has regard to the landscape characteristics.'*

We do not agree for the following reason:

DM17 is neither subordinate nor ancillary to the site allocations development description of the sites BSA1114 & BSA1108. If anything, it is the other way round; Site allocations are subordinate to all the core strategies, together with the development management policies that derive from them as set out in the Bristol Development Management Core Strategy³.

The introduction to the Core Strategy states that it *'does not set out site-specific proposals or allocations; instead it looks at the broad locations for delivering new development. Other BDF documents will include site allocations and detailed development management policies and will have to be in conformity with the policies contained in the Core Strategy.'*

The introduction to the 'Site Allocations and Development Management Policies Local Plan'⁴ then makes it clear that the development management policies are *'detailed planning policies which will be used by the council when assessing planning applications'* and relate to *'land which should be safeguarded (e.g. for open space or transport infrastructure) or where specific policies apply (e.g. local centres).'*

Site allocations, on the other hand, are only used to identify *'sites to be allocated for development for particular land uses. The intention is to provide clarity to planning applicants and the community regarding the land uses that, in principle, are acceptable to the council on specific sites.'* They do not override either the core strategies or the development management policies that apply to them. Site allocations are therefore subject to these strategies and policies.

DM17 makes it clear that development on Valuable Urban Landscapes will not be permitted if these criteria are not met:

- The development is ancillary to the open space use.
- It would result in the loss of open space which is locally important for recreation, leisure and community use, townscape and visual amenity.
- It would harm important features such as green hillsides, promontories, ridges, valleys, gorges, areas of substantial tree cover and distinctive man-made landscapes.

As the proposal to develop this site for housing does not fall into any of the criteria above, it may not be permitted.

³ [https://www.bristol.gov.uk/documents/20182/34540/Core+Strategy+WEB+PDF+\(low+res+with+links\)_0.pdf](https://www.bristol.gov.uk/documents/20182/34540/Core+Strategy+WEB+PDF+(low+res+with+links)_0.pdf)

⁴

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2. The SNCI issue

Novers Park is also a designated SNCI. SNCIs are included in **DM19: Development and Nature Conservation**.

We repeat our observations above about the subordinate status of site allocations to the core strategy and to development management policies.

However, an issue has arisen about whether allocation sites BSA1114 & BSA1108 form part of the Novers Park SNCI or not. The LPA points to the **Bristol City Council Local Plan Policy Map**⁵ and says that these sites are excluded from the SNCI (**Appendix 1**). They advise that further information regarding SNCIs could be accessed from the Environmental Records Centre (BRERC).

We approached BRERC who provided us with the map and SNCI information shown in **Appendix 2**. They confirmed that this information is current. The map is the same as the map which appears on PinPoint.⁶

BRERC has the custodianship and management of the master data. They make any changes required. SNCIs are normally altered following either surveys, identification of known errors, reassessment of existing data, PAI adjustment (national alignment of OS data) or refining to OS Mastermap features. They are not aware of any being altered to meet the requirements of a local plan.

Any significant or material type change would have to be agreed by the Local Sites Partnership which covers the West of England area and includes the ecologists of the local authorities, Avon Wildlife Trust, BRERC, Natural England and Environment Agency. The Partnership operates according to the DEFRA Guidance on Local Sites. Local Sites are SNCIs and RIGS (Regionally Important geological/geomorphological Sites). The guidance includes reference to the criteria which is agreed by the Partnership and follows the national draft criteria⁷, though modified for local circumstances such as the urban context. The Partnership will make an approval and it is up to the Unitary Authority (in this case Bristol City Council) to agree or not, as ultimately they are the designating authority.

BRERC information is authoritative and overrides any assertion by the LPA that the SNCI map of the **Pigeonhouse stream and adjacent meadows SNCI** shown on the Local Plan Policy Map is reliable. Clearly, the Local Plan Policy Map of this SNCI is not derived from any authorised information BRERC holds and should be disregarded. The LPA has no power unilaterally to alter the boundary of an SNCI. This is vested in the Local Sites Partnership.

The site allocations BSA1114 & BSA1108 are clearly within the of **Pigeonhouse stream and adjacent meadows SNCI** and, as such, subject to the provisions of DM19.

⁵ <https://maps.bristol.gov.uk/policies/>

⁶ <https://maps.bristol.gov.uk/pinpoint/>

⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69600/pb13824-nia-criteria.pdf



We have asked the LPA how, when and why the SNCI boundary they rely on came to be changed in the local plan map. We have yet to be told.

The site's SNCI designation is based on these features:

Stream, grassland and scrub. Semi-improved calcareous grassland & species-rich neutral grassland. Includes Priority Habitat Lowland Meadow & Lowland Calcareous Grassland. Important for invertebrates.

This map is annexed to the applicant's Biodiversity Net Gain Assessment. It shows the location of the habitats identified on site.



Figure 1 Habitat map annexed to the Biodiversity Net Gain Assessment



This is the key:

Legend					
	Site Boundary		Bramble scrub		Introduced shrub
	Native Species Rich Hedgerow		Hawthorn scrub		Vacant/derelict land/ bareground
	Lowland calcareous grassland		Mixed scrub		Lowland mixed deciduous woodland
	Other neutral grassland		Ruderal/Ephemeral		Developed land; sealed surface

It is notable that all of the features (bar the stream) which form the basis of the site's designation as an SNCI, are located within the footprint of the proposed development and that many will be destroyed if it is allowed to proceed. It is possible that, as a result, the site will no longer justify its SNCI status.

DM17 states that '*development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted [our emphasis]*'. The prohibition is unequivocal. There are no exceptions.

Bristol Tree Forum

07 November 2021



Appendix 1 Bristol City Council Local Plan Policy Map - SNCI map for Pigeonhouse stream and adjacent meadows (<https://maps.bristol.gov.uk/policies/>)





Appendix 2 - BRERC SNCI data and map for Pigeonhouse stream and adjacent meadows at Novers Park

OpenStreetMap
No boundary
WOE BRERC SNCI
No OS grid
Mapping
Features
Map
Hint
Help
Info
List

WOE BRERC SNCI

sitename	Pigeonhouse Stream and adjacent meadows																																																		
siteid	BC80																																																		
type	Wildlife																																																		
status	Recognised																																																		
date_estab	1985-01-01																																																		
easting	358248																																																		
northing	169540																																																		
snvdate	1985-01-01																																																		
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supplyorg	Bristol Regional Environmental Records Centre																																																		
managed																																																			
condition																																																			
notes	Pigeonhouse Stream and adjacent Meadows SNCI is situated in south Bristol, and is surrounded by housing, industrial areas and school grounds. The site consists of a field complex occupying a valley side and bottom.																																																		
assessment	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Criteria</th> <th>Degree</th> </tr> </thead> <tbody> <tr><td>1 Naturalness</td><td>Pending</td></tr> <tr><td>2 Size</td><td>Pending</td></tr> <tr><td>3 Diversity</td><td>Pending</td></tr> <tr><td>3a Diversity - Species</td><td>Pending</td></tr> <tr><td>3b Diversity - Habitats</td><td>Pending</td></tr> <tr><td>4 Rarity</td><td>Pending</td></tr> <tr><td>4a Rarity - Species</td><td>Pending</td></tr> <tr><td>4b Rarity - Habitats</td><td>Pending</td></tr> <tr><td>5 Fragility</td><td>Pending</td></tr> <tr><td>6 Recreatability/Irreplacability</td><td>Pending</td></tr> <tr><td>7 Typicalness/Representative</td><td>Pending</td></tr> <tr><td>8 Geographic Position</td><td>Pending</td></tr> <tr><td>9 Important Populations</td><td>Pending</td></tr> <tr><td>10 Key Species and Habitats</td><td>Pending</td></tr> <tr><td>10a BAP Species</td><td>Pending</td></tr> <tr><td>10b BAP Habitats</td><td>Pending</td></tr> <tr><td>11 Age/Continuity</td><td>Pending</td></tr> <tr><td>12 Community or Amenity Value</td><td>Pending</td></tr> <tr><td>13 Physical Access</td><td>Pending</td></tr> <tr><td>14 Visual Access</td><td>Pending</td></tr> <tr><td>15 Education Value</td><td>Pending</td></tr> <tr><td>16 Landscape or Aesthetic Value</td><td>Pending</td></tr> <tr><td>17 Area Lacking in Natural Habitats</td><td>Pending</td></tr> <tr><td>18 Recorded History</td><td>Pending</td></tr> </tbody> </table>	Criteria	Degree	1 Naturalness	Pending	2 Size	Pending	3 Diversity	Pending	3a Diversity - Species	Pending	3b Diversity - Habitats	Pending	4 Rarity	Pending	4a Rarity - Species	Pending	4b Rarity - Habitats	Pending	5 Fragility	Pending	6 Recreatability/Irreplacability	Pending	7 Typicalness/Representative	Pending	8 Geographic Position	Pending	9 Important Populations	Pending	10 Key Species and Habitats	Pending	10a BAP Species	Pending	10b BAP Habitats	Pending	11 Age/Continuity	Pending	12 Community or Amenity Value	Pending	13 Physical Access	Pending	14 Visual Access	Pending	15 Education Value	Pending	16 Landscape or Aesthetic Value	Pending	17 Area Lacking in Natural Habitats	Pending	18 Recorded History	Pending
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Figure 2 BRERC SNCI information on Pigeonhouse stream and adjacent meadows - Novers Park

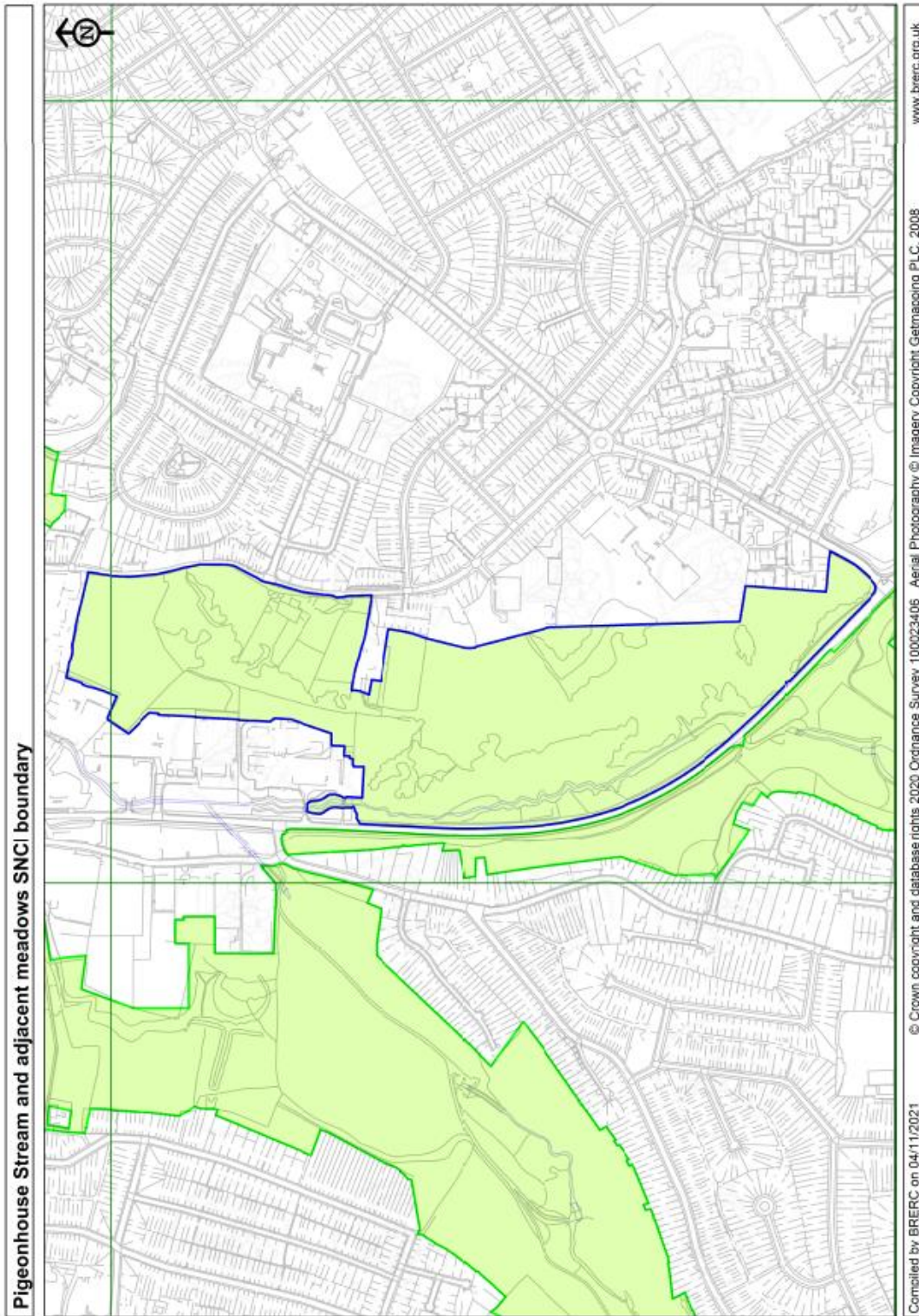


Figure 3 BRERC SNCI map of Pigeonhouse stream and adjacent meadows - Novers Park