



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

### **Bristol Tree Forum - Comments on the SNCI status of the site**

We argue here that just because the Council has allocated this site for development, it cannot simply remove the site's SNCI status without following the procedures it has itself adopted for this purpose.

#### **Abstract**

1. The documents supplied to the Local Plan Inspector referred to the SNCI status of the site, but the Inspector did not mention this in their 2 April 2014 report - *Report on the Examination into the Bristol Site Allocations and development Management Policies Local Plan (PIN/Z0116/429/5)*.
2. Whether or not the Inspector was aware of the site's SNCI status, its allocation for development would still not have removed the SNCI protections afforded to the site by DM19. Only the Local Site Partnership (LSP) has the authority to remove an SNCI designation. This did not happen.
3. The Council argues that DM19 does not apply to SNCI sites located within a site allocation (SA1). However, it has produced no evidence to support this.
4. This proposed development falls within the **Pigeonhouse stream and adjacent meadows SNCI** and so must be tested against the strict standards required by DM19.

#### **Discussion**

##### **The 2014 Local Plan Inspector's report**

When the allocation of parts of the Western Slopes for housing - the northern part of BSA1108 & BSA1114 - was being considered, the *Site Allocations and Development Management Policies Publication Version (March 2013) - Sustainability Appraisal Main Report* noted the following:

##### **4.82.9 Local Ecology**

*4.82.9.1 On site BSAB1108 the SNCI element of the site contains a number of Principle Habitats and Species, which might be lost or harmed by development. However, loss of the SNCI would reduce the overall area of local ecological sites in the city [and] is considered to lead to a negative effect on local ecology. BSA1108 contains Pigeon House Stream and adjacent Meadows SNCI, an important local ecological site that connects Wildlife Corridor sites from the northern sections of the Partnership following the path of the Malago, to Hengrove Park SNCI to the south. Development of this site could severe [sic] the connectivity of the site and this section of the Wildlife Network, this could lead to significant negative effects on local ecology*

*4.82.9.7 Site BSA1114 contains Pigeon House Stream and adjacent Meadows SNCI, an important local ecological site that connects Wildlife Corridor sites from the northern sections of the Partnership following the path of the Malago, to Hengrove Park SNCI to the south. Development of this particular area of the SNCI would not severe (sic) the connectivity of the site and this section of the Wildlife Network. However, loss of the SNCI would reduce the overall area of local ecological sites in the city is considered to lead to a negative effect on local ecology. The SNCI element of the site contains a number of Principle Habitats and Species, which might be lost or harmed, dependent upon any*



*mitigation implemented as part of development.*

As this report's purpose is 'to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of plans' (para. 1.3.1), it follows that these descriptions set the benchmark by which proposals to develop these allocation sites ought to be judged.

It is notable that this document makes no mention of the SNCI status of the other site allocation on this SNCI, BSA1119 - Land to east of Hartcliffe Way, south of the Waste Depot.

Even though this report formed part of the documents submitted to the Site Allocations Inspector, their report of 2 April 2014 (*Report on the Examination into the Bristol Site Allocations and development Management Policies Local Plan (PIN/Z0116/429/5)*) makes no mention that they had appreciated that the sites were in a designated SNCI. It is odd that they said nothing about the ecological/environmental significance of these sites, even though it had been pointed out in the *Sustainability Appraisal Main Report*.

Instead, the Inspector wrote the following:

*BSA1114: Land at Novers Hill, adjacent to industrial units*

*119. In the Site Allocations and Development Management Policies Local Plan, land at Novers Hill, adjacent to existing industrial units, is allocated for housing and business purposes. Questions have been raised concerning the need for further business land bearing in mind also potential access, topographical and visual problems.*

*120. To my mind, the proposed allocation would reflect the Council's aspirations for economic development and regeneration in South Bristol as set out in Policy BCS1 of the Core Strategy. I can conceive of acceptable solutions to the perceived development problems. The allocation in its proposed form is entirely appropriate.*

Furthermore, in their report there is no mention of site allocations BSA1108 or BSA1119, nor any indication that the Inspector knew that any of these three sites formed part of an SNCI.

### **The emerging Local Plan**

Nonetheless, the sites were adopted as suitable for future housing allocations. Whilst we do not contest this, we disagree that they should have been so allocated at the time. The recent announcements that the Local Plan Working Group has thought better of this and decided to remove the remaining site allocations on the Western Slopes, which are not the subject of this application, only confirms our view. We have been advised that this decision will form part of the Local Plan public consultation when it is published later this month.

This announcement is therefore a material consideration because it can be treated as 'emerging plans' under paragraph 48 of the [National Planning Policy Framework](#) (NPPF), which states:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this*



*Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

### **Applying DM19 - Development and Nature Conservation**

However, whether or not this is accepted, we have seen no evidence that these site allocations lost their SNCI statuses as a result. We have already [commented on this issue](#) but wish to develop these arguments more fully to demonstrate that this proposed development falls to be considered under **DM19 Development and Nature Conservation** because of its SNCI designation.

DM19 policy provides detailed criteria for the consideration of proposals affecting nature conservation sites and features of value in Bristol. It recognises that:

*2.19.3 Local nature conservation sites help to ensure the habitats, species and features of value are adequately protected and allow for appropriate public access to nature. Local nature conservation sites in Bristol include Sites of Nature Conservation Interest (SNCIs), Regionally Important Geological Sites (RIGS) and Wildlife Corridors. These sites provide a refuge for flora and fauna; contribute to national biodiversity and geodiversity targets; add to the local character and distinctiveness of an area; contribute to quality of life; enhance the natural processes that support quality of life by maintaining air, soil and water quality; and can also reduce the effects of flooding and pollution.*

*2.19.4 Together the SNCIs and connected sites in Wildlife Corridors form the Bristol Wildlife Network. This network strengthens the resilience of species and habitats to changes in the built and natural environment, including rising temperatures and flood risk associated with climate change. It also encourages public interaction with wildlife and an appreciation and understanding of nature conservation which makes a positive contribution to the quality of life in Bristol.*

*2.19.15 Although they do not receive the same legal protection as international or national nature conservation sites, Sites of Nature Conservation Interest (SNCIs) collectively represent the city's critical stock of natural capacity. In some areas of Bristol, SNCIs offer people their only valuable contact with wildlife. Therefore, development proposals which would harm the nature conservation value of an SNCI will not be permitted.*

*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.*

Whilst local nature conservation sites, SNCIs and RIGS are designated and shown on the Policies Map<sup>1</sup>, these sites are also shown on the "Bristol Nature Conservation Map"<sup>2</sup> which gives 'gives an overview of habitats and species on each SNCI'. This, along with more detailed information from the appropriate survey and assessment, should inform any development proposal that may impact upon an SNCI to ensure harm is avoided. This information is available on request from the [Bristol Regional Environmental Records Centre](#) (BRERC).

---

<sup>1</sup> Bristol City Council Local Plan Policies Map - <https://maps.bristol.gov.uk/policies/>

<sup>2</sup> An option found in the Environment and Planning tab in Pinpoint - <https://maps.bristol.gov.uk/pinpoint/>



DM 19 also states:

*2.19.7 For land to be given SNCI status strict criteria have to be met. These criteria establish the site as having substantive value for nature conservation due to the presence and condition of particular species, habitats and features.'*

### **The alleged 'deregistration' of the SNCIs**

This criteria is governed by Defra's 2006 [Local Sites - Guidance on their Identification, Selection and Management](#), which was adopted by the Council and its ecologists in the 2012 [Protocol for the designation and review of Local Sites](#), which is used for designating and deselecting Bristol's SNCIs.

The Defra guidance about the deselection of SNCIs states the following:

- *De-select sites which no longer qualify*

*36. The partnership can de-select sites if their nature conservation interest deteriorates to such an extent that they no longer qualify as Local Sites. De-selection proposals may be prompted by an individual or picked up during monitoring. If sites are proposed for deselection, owners and other interested parties should be notified and given the opportunity to make observations. Formal de-selection, once agreed by the partnership, should be notified to owners and other interested parties.*

*37. In considering whether to de-select a site, the partnership should consider any implications for the provision of contact with nature and the availability of sites for educational use. The potential for restoring the site's features of interest should also be a consideration. This is particularly relevant where a site has been deliberately damaged, or degraded through neglect or inappropriate management.*

There is no evidence that this site met any of these criteria, which would have justified the removal of the SNCI status of these two site allocations. Furthermore, no evidence has been provided to show that the LSP approved the deregistration of these sites.

It does not lie in the power of the LPA unilaterally to deregister an SNCI merely by allocating all or part of it for future development in its Local Plan or by altering the SNCI's boundary on the Policies Map to exclude the site allocation area.

### **Dual Allocation - does SA1 override DM19?**

The Bristol LPA argues that these sites have been dual allocated: designated both as an SNCI and allocated for development (SA1). The Council's view is that policy DM19 does not apply to SNCI sites designated as SA1.

However, we have been shown no evidence that this is the case. We can find no mention of this in any of the local plan documents. In fact, it would appear that DM19 has priority over SA1 because DM19 states: 'development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted'.

It is also notable that a number of recent planning applications have recognised the existence of an SNCI within a site. For example:

1. BSA0402 fell partly within the Bonnington Walk SNCI, and yet the Planning Statement submitted with the application noted: 'Whilst the application red line extends around the SNCI, only a very small portion of SNCI is intended for development, to enable access from Bonnington Walk. No buildings are proposed within its designation.'



2. BSA1205 fell partly within St. Anne's Valley SNCI: throughout the planning process, documents submitted acknowledged that the SNCI designation remained. For example, the Planning Statement said that: 'The area of grassland to the north-east of the youth centre and the woodland ... fall within the St Anne's Valley Citywide Site of Nature Conservation Interest (SNCI).'

We also refer to the anonymised comment made in the pending [Brislington Meadows](#) application dated 17 October 2022, which we have extracted in the addendum below. This is relevant in this case because, among other things, this reports the approach of other Local Environmental Record Centres and some local authorities in England to the allocation of development sites on SNCIs.

While it may be possible as a matter of planning judgement to disapply DM19 policy to an individual site when deciding a planning application, this would have to be expressly undertaken and could only be justified in accordance with the criteria set out in Defra's 2006 guidance and the LSP's protocol.

### **Conclusion**

As a consequence, this proposed development falls wholly within the **Pigeonhouse stream and adjacent meadows SNCI**. It therefore must be tested against the strict standards required by DM19, which 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.' The applicant's plans, by their very nature, will result in damage to this SNCI.

**Bristol Tree Forum**  
**10 November 2022**



## Addendum

### Extracted anonymised comments made in the pending [Brislington Meadows](#) application

‘... Various Local Environmental Record Centres and some Local Authorities in England were emailed to ascertain their approach to de-designating Local Wildlife Sites if allocated in the Local Plan. Below are extracts of the responses, each from a different region:

- Local authorities are required to protect habitats and species as per their responsibilities under the NERC Act 2006: “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Therefore a LWS should not be identified for a possible housing development in a local plan.
- Local Wildlife Sites cannot simply be deregistered by a local authority. Also all sites which qualify under the LWS the criteria should be treated in planning terms as Local Wildlife Sites regardless.
- Housing development should not normally be permitted on a Local Wildlife Site.
- Deselection of a site would be something we would try to avoid and discourage as all sites are based on evidence and should have been adopted into each authorities local plan as a material consideration in planning and also a component of the local authorities Biodiversity Duty.
- The process of de-selection would be the same regardless of whether the site had been identified for a possible housing development in a Local Plan.
- The process of selection, modification, amendment or de-selection of a Site of Nature Conservation Importance is the responsibility of the Surrey Local Sites Partnership.
- deselection of a site should only happen because the site no longer meets the criteria for which it was selected and is unlikely to recover.
- the designation (and de-designation) of sites is the responsibility of local planning authorities, such as London Boroughs. These must follow a process including a site review, public consultation and a review by the London Wildlife Sites Board (LWSB), who provide guidance to ensure consistency and a process which is compliant with various policy frameworks.
- While non-statutory, SINC’s are still afforded a high level of protection within the planning system. Development that negatively impacts a SINC will only be permitted in exceptional circumstances and where mitigation can be proven from the beginning.
- If a CWS is likely to be affected by development the views of some of the CWS partners is normally sought as part of the consultation process.
- In general deletion of SNCIs is based on survey data and the decision is made by the SNCI Panel at a formal panel meeting .... The process would remain the same if the site is allocated for development although of course we will object strongly to any such allocation and work with local authorities to ensure that this isn’t the case. If despite all our efforts an SNCI is developed, it will have been effectively destroyed and would be deleted subsequently. It is very unlikely that any site would be deleted based on the prospect of future destruction which hasn’t yet occurred.





- LWS sites are considered by planners with applications and if sites contain priority habitat the LWS designation is trumped by that. Sites that are in a local plan are not removed from the list unless destroyed
- If a SINC was identified as a possible housing site in a Local Plan, the SINC would remain in situ until such time as the site is developed and the interest lost.
- The presence of a Local Wildlife Site would be a material consideration if a proposed development e.g. for housing, was submitted for planning permission. In this instance the site would not be de-designated and policies 30 and 31 of Doncaster's Local Plan would be used to guide the decision making.
- A Site of Importance for Nature Conservation would only be removed if it had been destroyed with no hope of restoration. The Isle of Wight Council would then remove it from the maps and site register and inform me here at the IWLRC. To my knowledge, this has never happened. We have only ever had slight modifications to any of our designated SINCs.
- It is likely that Cornwall Wildlife Trust would object to a housing development within a CWS on the basis that these are core areas for wildlife in Cornwall and an important part of the Local Nature Recovery Network...