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Our ref: 456640  
Your ref: W/23/02112/OUT



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**BY EMAIL ONLY**

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Dear Gillian

**Planning consultation:** Planning application for the demolition of existing farmhouse, agricultural buildings and structures, the erection of a phased development of up to 300 residential dwellings (Use Class C3) and associated public open space, drainage, infrastructure and engineering works with all matters reserved except access.

**Location:** Orchard Farm, Defford Road, Pershore, WR10 3BX

Thank you for your consultation on the above dated 01 November 2023 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

**Natural England objects to this proposal.** As submitted we consider it will:

- damage or destroy the interest features for which [Tiddesley Wood](#) Site of Special Scientific Interest (SSSI) has been notified.

**In addition, further information is required to determine impacts on the following designated sites:**

- Severn Estuary Special Area of Conservation/Ramsar site – Habitats Regulations Assessment is required
- Malvern Hills Site of SSSI – Information on how the recreational impacts have been addressed

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

#### **Tiddesley Wood Site of Special Scientific Interest**

The proposed development is immediately adjacent to Tiddesley Wood Site of Special Scientific Interest (SSSI). Tiddesley Wood SSSI is of significant ecological interest, supporting an ancient woodland flora with rare and locally-notable plants including meadow saffron (*Colchicum*

*autumnale*), bird's-nest orchid (*Neottia nidus-avis*) and broad-leaved helleborine (*Epipactis helleborine*). It is also notified for its breeding woodland bird assemblage and for butterflies such as white-letter hairstreak (*Strymonidia w-album*). It is also of significant interest for a whole diversity of other species including mammals such as bats and other invertebrates including beetles.

We maintain our view that development in such close proximity to the SSSI will impact on the woodland through increased recreational pressure, disturbance, and the loss of buffering habitat. These impacts cannot be mitigated.

## **Background**

Natural England first raised our concerns in response to the Preferred Options Regulation 18 consultation on the South Worcestershire Development Plan Review (SWDPR), where we objected to the NEW 115 Land of Defford Road allocation. Following this, the South Worcestershire Council's consulted us on an Ecological Assessment report produced by Ecology Solutions dated September 2020, which proposed mitigation measures. It was our view that the proposed mitigation would not be effective, and we therefore maintained our objection to this allocation. The council's took our objection into account and the allocation was subsequently deleted from the Local Plan, which Natural England welcomed. Our letter dated 20 October 2020 our ref 327519 can be found in annex A.

## **This application**

We have reviewed the information on the planning portal provided in support of this planning application. Natural England is maintaining its objection to this proposal. Our reasons are:

- Increased recreational use of the SSSI,
- Disturbance and urbanisation effects,
- Loss of supporting habitat.

Natural England maintains the view that these impacts are not able to be mitigated. Further detail is set out below. Further detail can also be read in our previous response, which can be found in Annex A.

## **Ecological Appraisal report by Aspect ecology (September 2023)**

### ***Disturbance and Urbanisation Effects***

5.8.30 a) Increased footfall, and the resultant effects of disturbance and trampling on path edges, and those caused by straying from defined paths.

i) Interception and ii) Offsetting 5.8.31 – 5.8.38

Worcestershire Wildlife Trust who manage the site have highlighted recent increases in recreational pressures to the SSSI and consider this site to be 'at capacity'. Additional recreational use of the site could degrade the SSSI.

Natural England does not agree with the assertion that the proposed open space buffer will be effective in reducing footfall into the SSSI via The Millennium Way, moreover that the buffer will absorb some of the visits from the existing residents. We consider that the proximity of the woodland and easy footpath access makes it inevitable that residents would use the woodland

frequently for recreation. In addition we consider that the proposed development will lead to increased footfall into the SSSI from the Pershore through the improved path networks and by being able to park cars in the new development.

The report makes reference to SANG as part of its proposed mitigation. SANG are 'Suitable Alternative Natural Greenspaces'. The concept of SANG's was initially developed as a strategic solution to recreational impacts on Special Protection Areas – Internationally protected sites for birds. SANGs are off-site greenspaces designed to mitigate impacts on Habitats sites by pooling developer contributions within an evidence based zone of influence, and delivering a new shared greenspace. The size and design of SANG to ensure its effectiveness is set according to the site specific evidence. It is not appropriate to apply this approach here. Further more detailed information in relation to SANGs has been provided in our previous letter.

### iii) Buffering 5.8.39 - 5.8.40

The proposed mitigation makes reference to Natural England's Standing Advice for Ancient Semi-Natural Woodland (ASNW).

*"Natural England advocate the use of buffer zones to protect ancient woodland and recommend a buffer zone of at least 15m is provided between development and the woodland. Reference to the site masterplan shows that under the proposals a buffer zone being provided across the majority of the woodland edge which is 80 – 65m wide, which considerably exceeds Natural England's standard (by some 5.3 – 11 times). The minimum buffer zone depth is 80m. A significant proportion of the buffer zone (as indicated by the Landscape Plans) will not be accessible to the public.*

*Accordingly, by virtue of its scale alongside its attractive landscaping, design and walking alternatives provided, the function of the buffer in this instance will be particularly effective at offsetting potential effects on the woodland."*

However, the Ancient Woodland Standing Advice also states: 'Where assessment shows other impacts are likely to extend beyond this distance [15m], the proposal is likely to need a larger buffer zone.'

We agree that the proposed buffer will protect the fabric of the woodland. However, we do not believe that it will be effective in mitigating recreational impacts, disturbance and urbanisation effects. As Tiddesley Wood is a SSSI, national policy and legislation on SSSI applies over and above our standing advice on ASNW.

### iv) Sensitivity 5.8.41 – 5.8.42

*"An examination of the distribution of woodland compartments with higher species-richness (those with >14 Ancient Woodland Indicators - see Plan 6596/AW4) shows that the most species-rich woodland compartments (most sensitive), are well separated from this entry point, being located in two main blocks, either in the SE of the woodland complex, or in the north-east of Tiddesley Wood. A large part of this latter area, which was also observed to have carpets of Bluebells, will be fenced off with no public access.*

*It is anticipated that the most proximal areas of the woodland would be those most commonly utilised by new residents which are noted to be of reduced sensitivity."*

The whole site is designated as SSSI. It is not appropriate to suggest that the degradation of some parts based on the condition or sensitivity is therefore acceptable.

In addition, we do not agree with the assessment made. The Wildlife Trust has highlighted recent increases in informal pathways through the wood. The increase of the footfall to the SSSI is likely to result in more informal pathways being created, which could bring disturbance to the most sensitive areas. This could be particularly true if the site becomes busy, as people seek out quieter areas. Overall, we believe the impacts of disturbance that can arise from unauthorised pathways, eutrophication from dogs, predation from cats and urbanisation have been underplayed.

#### Para 5.8.6 – 5.8.7 Landscape Scale Effect

*“Habitat disconnection is not a concern because the woodland is large, off-site and otherwise well-connected in the landscape. None of the habitats within the developed areas are considered to form key connections to the woodland, or have a particular supportive role in its ecology. On the contrary, the proposals will result in the strengthening of several key habitat corridors, such as the one on the northern boundary of the application, which will be supplemented by additional woodland planting.”*

*“The provision of such links within the landscape is seen as a key priority under government policy. Accordingly, considerable weight should be afforded to the benefits proposed to this irreplaceable habitat resource.”*

Natural England disagrees with this assessment. We consider the intervening grassland between Pershore and Tiddesley Wood to be supporting habitat for the SSSI, adding to the ecological integrity of the SSSI and buffering the site. The Worcestershire Habitat Inventory shows that a considerable portion of the proposed development site is unimproved or semi-improved neutral grassland. Development on the grassland between Pershore town and Tiddesley Wood SSSI would contribute to the isolation of this SSSI and remove it's buffer, threatening the integrity of this national designation.

The 25 Year Environment Plan is committed to protecting and recovering nature through tackling biodiversity loss, developing a Nature Recovery Network to complement and connect our best wildlife sites. The recommendations from Professor Sir John Lawton on recovering wildlife stating that we will require more habitat; in better condition; in bigger patches that are more closely connected. Development in this location would go in the wrong direction.

#### 5.8.9 Light Pollution Effects

*“In regard to light pollution, there is not expected to be any permanent increase in lighting from the built development in the immediate proximity to the woodland, which are occupied by areas of semi-natural public open space, and which will remain unlit. Within this buffer zone, none of the proposed paths (within those areas accessible to the public) will be lit.”*

It is unclear how this conclusion can be correct. The woodland fringe proposed as part of the buffer zone will not be effective until its established.

#### **Summary**

- We advise that Tiddesley Wood SSSI would be adversely effected by the proposal,
- The principle impacts would be from increased recreational use of the woods,

- The proposed open space buffer will not in our opinion be effective in mitigating the impacts of the proposed development,
- The proposal is not in accordance with the Local Plan.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Severn Estuary Special Area of Conservation (SAC) /Ramsar site – Habitats Regulations Assessment is required**

The application site is hydrologically linked to the Severn Estuary SAC which is a Habitats Site, by watercourses on the development site which flow into the River Avon. The Severn Estuary is also notified at international level as the Severn Estuary Ramsar Site and at a national level as the Severn Estuary SSSI.

The consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

The Severn Estuary SAC/RAMSAR includes a number of fish species that form part of its designation (Atlantic salmon, Sea trout, Sea lamprey, River lamprey, Allis shad, Twaite shad, European eel). There are records of European eel downstream in Birlingham and at Nafford weir.

Recent case law the 'Holohan Judgement' (CJEU reference C461-17) reinforces the need for an appropriate assessment to include an examination of the implications of the proposed project for habitat types and species to be found outside the boundaries of the site provided those implications are likely to affect the conservation objectives of the site. As such the Severn catchment, in its entirety could be considered functionally linked to the Severn Estuary SAC through association with the fish species mentioned above.

It is therefore necessary to undertake HRA assessments for plans and projects outside of the SAC boundary in respect of these species, their migration and the habitats they utilise. Maintaining or achieving a good standard of water quality and sufficient flows is a necessary consideration when considering the potential impact of plans on functionally linked watercourses.

Outside of the protected site's boundary, Natural England generally deems Water Framework Directive (WFD) 'good ecological status' (GES) to be of a sufficient quality to maintain habitat suitable for fish species forming part of the notification of the Severn Estuary SAC and Ramsar Site. This is because WFD site standards are calculated on the basis of the environmental attributes of watercourses which will similarly tend to govern which species of fish are present. As a result, ensuring that any plan or project will not cause the deterioration of the site from GES, or otherwise prevent the site from reaching GES, is deemed to be an acceptable approach for maintaining and restoring populations of notified fish species outside of the SAC/Ramsar Site's boundary.

## Malvern Hills SSSI – Further information is required

The proposed development is located within the Zone of Influence for the recreational impacts on the Malvern Hills SSSI. The SWDPR Regulation 19 consultation was supported by an evidence report [Malvern Hills recreational impacts report FINAL.pdf \(swdevelopmentplan.org\)](#) and subsequently a mitigation strategy report [Malverns Mitigation Strategy 160822.pdf \(swdevelopmentplan.org\)](#) was developed describing developer contributions. We advise your authority to liaise with the South Worcestershire Council's Policy Team and the Applicant to understand on how the mitigation requirements should be met.

## Soils and Agricultural Land Quality – Further information required

Natural England is responsible for providing advice on proposals involving loss of more than 20ha of 'best and most versatile' (BMV) agricultural land which are not in accordance with the provisions of a development plan. We reviewed the Agricultural Land Classification (ALC) report dated August 2023 provided in support of this application. The survey of the site found agricultural land to be of Grade 3b which is not BMV land. Before we can confirm validity of the reports assessment, we would welcome clarification of the following:

- The name and professional qualifications of the surveyor should be provided in the ALC report.
- The depth at which the Slow Permeable Layer (SPL) was identified should be specified.
- The ALC report should indicate what sampling density methodology has been utilised and provide a map including boring points and representative pit locations. It is presumed that with a site size of 25.7ha the sampling density is somewhat near 1 bore per ha with 22 data points.
- It would also be useful if any photographs taken during assessment of the representative pit 13 and any recorded imagery of the borings could be provided.
- There is a discrepancy between data presented in Table 1 for Field Capacity Days (FCD) and that noted in para 22, Natural England confirms FCD is 132 days.
- When mapping ALC data Natural England advise the ALC grades are defined by a standard colour notation. It is important this is complied with to avoid confusing users. The RGB codes in ArcGIS systems used by Natural England are as follows:
  - Grade 1 : Red = 0, Green = 129, Blue = 254
  - Grade 2 : Red = 194, Green = 251, Blue = 254
  - Grade 3a : Red = 1, Green = 129, Blue = 0
  - Grade 3b : Red = 165, Green = 254, Blue = 164
  - Grade 4 : Red = 254, Green = 251, Blue = 105
  - Grade 5 : Red = 178, Green = 136, Blue = 100
  - Non Agricultural : Red = 254, Green = 196, Blue = 85
  - Urban : Red = 255, Green = 99, Blue = 85

## Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex B.

If you have any queries relating to the advice in this letter please contact Yana Burlachka on [yana.burlachka@naturalengland.org.uk](mailto:yana.burlachka@naturalengland.org.uk) .

Yours sincerely

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