
Planning Statement of Common Ground 22.08.24

In connection with appeal by Formula Land Ltd
Orchard Farm, Pershore

Appeal Reference Number - APP/H1840/W/24/3347643

Local Planning Authority Reference Number – W/23/02112/OUT

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1. Introduction

- 1.1. This Planning Statement of Common Ground ('SoCG') sets out matters which have been agreed by Formula Land Ltd (the 'Appellant') and Wychavon District Council ('WDC'), the Local Planning Authority ('LPA'). It also sets out matters that remain in dispute.
- 1.2. The appeal has been made against the non-determination by Wychavon District Council ('WDC') of a hybrid planning application (all matters reserved except access) (the 'Application') for the development of land at Orchard Farm, Pershore ('Orchard Farm' and/or 'the Site'). This planning appeal has been submitted under section 78 of the Town and Country Planning Act 1990.
- 1.3. Savills, on behalf of the Appellant, submitted by email a Notification of Intention to Submit an Appeal under the inquiry procedure to WDC and copied in the Planning Inspectorate on 10 June 2024.
- 1.4. The start letter for the appeal was received on 18 July 2024. This letter confirmed that the appeal will be dealt with by inquiry commencing 5 November 2024 and lasting approximately 10 days.
- 1.5. This Planning SoCG is supported by four separate topic-specific SoCGs relating to Ecology, Highways, Landscape and Affordable Housing. This SoCG should be read in conjunction with the topic-specific SoCGs.
- 1.6. This Planning SoCG has been prepared following receipt of initial comments from WDC on 9, 15 and 16 August, with further comments provided by the appellant on 20 August and additional comments from WDC on 21 August.

2. Description of Development

- 2.1. The hybrid planning application, the subject of this appeal, was submitted on 13 October 2023 via the Planning Portal. The application description submitted by the Appellant was:
- “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.”***
- 2.2. The application was registered and assigned the reference number W/23/02112/OUT. The Appellant was informed that the Application was valid on 1 November 2023 and the validation was backdated to 16 October 2023. A copy of the Application form and submission documents has been submitted with the Appeal.
- 2.3. The 13 week statutory determination period ended on 15 January 2024. The Appellant has engaged in positive and constructive dialogue with WDC, including multiple extension of time requests from WDC which were positively responded to. Extensions of time have been agreed as follows:
- On 12 December 2023 it was agreed to extend the determination period to 26 January 2024;
 - On 23 January 2024 it was agreed to extend the determination period to 23 February 2024;
 - On 21 February 2024 it was agreed to extend the determination period to 26 April 2024; and
 - On 24 April 2024 it was agreed to extend the determination period to 31 May 2024.
- 2.4. A further extension of time was requested by WDC on 15 May 2024 seeking an extension until 26 July 2024. The Appellant has not accepted this extension of time because, after a pre-application period of some 10 months, followed by a determination period of 8 months (33 weeks as at 3 June), it is considered that if an extension had been agreed to 31 August, this would represent a 41 week determination period which is considered to be unnecessarily prolonged to address the outstanding technical issues. It became evident that one of the documents in the 15th May 2024 submission had not been received, namely, the letter to Natural England which referred to Case Studies. However, the letter had been issued by Aspect directly to Natural England on 1 May 2024. This was subsequently submitted to WDC on 18th June 2024 with the relevant consultees being notified.
- 2.5. On 10th June 2024 the appellant notified WDC of their intention to appeal against non-determination. At this point in time, further required consultee responses had not been received in order for WDC to move towards a recommendation. However, since this time WDC has continued to work with the appellant in an attempt to narrow down the issues.
- 2.6. The Appeal seeks planning permission for up to 300 dwellings within the red line shown on the Site Plan (drawing reference P22-2506_DE_004 Rev E).

3. The Appeal Site and Surrounding Area

- 3.1. The Appellant and WDC have sought to reach common ground in respect of the character and setting of the Site and the surrounding area.
- 3.2. As shown in Figure 3.1, the Site is located to the west of Pershore, north of Defford Road. The Site falls within the Wychavon District Council administrative boundary.

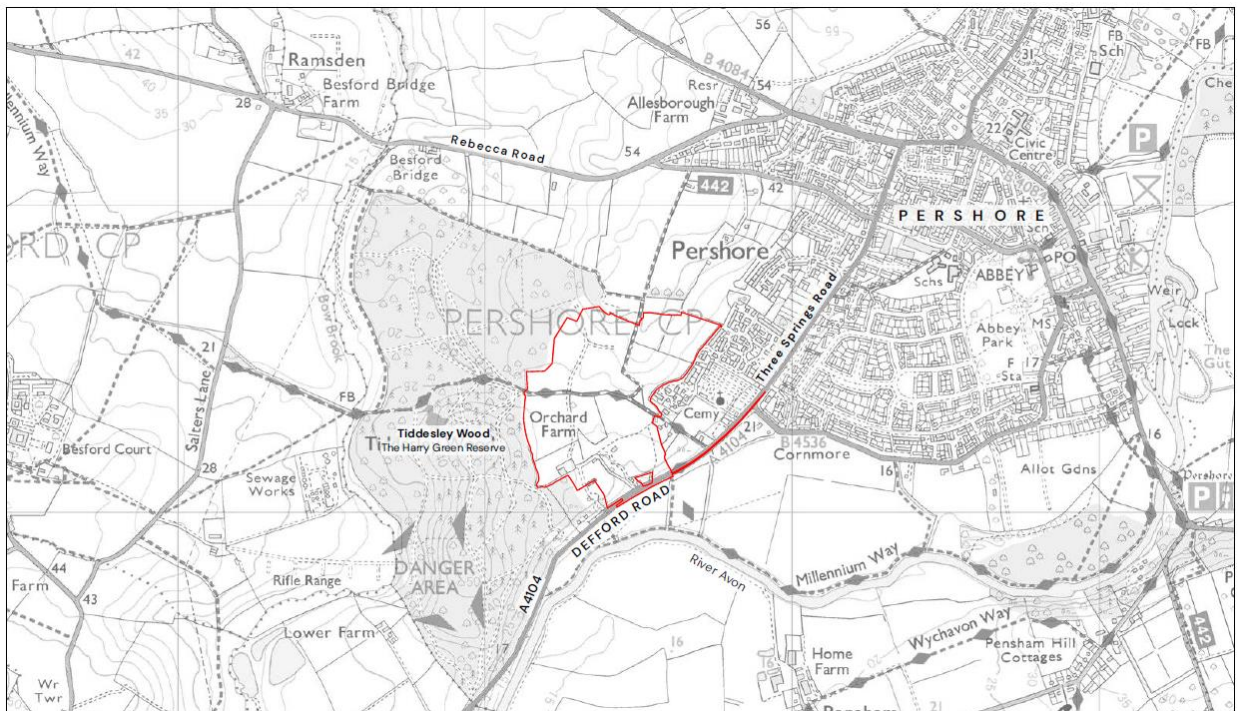


Figure 3.1: Site Location Plan

The Appeal Site

- 3.3. The Site extends to 25.82 hectares (63.80 acres) and comprises a number of agricultural grazing fields and associated agricultural buildings, including 1no. agricultural dwelling. Figure 3.2 overleaf shows the red line application boundary for the Site. This plan also shows the eastern part of Tiddesley Wood, edged in blue, which is under the Applicant's control and extends to 6.17 hectares (15.25 acres).

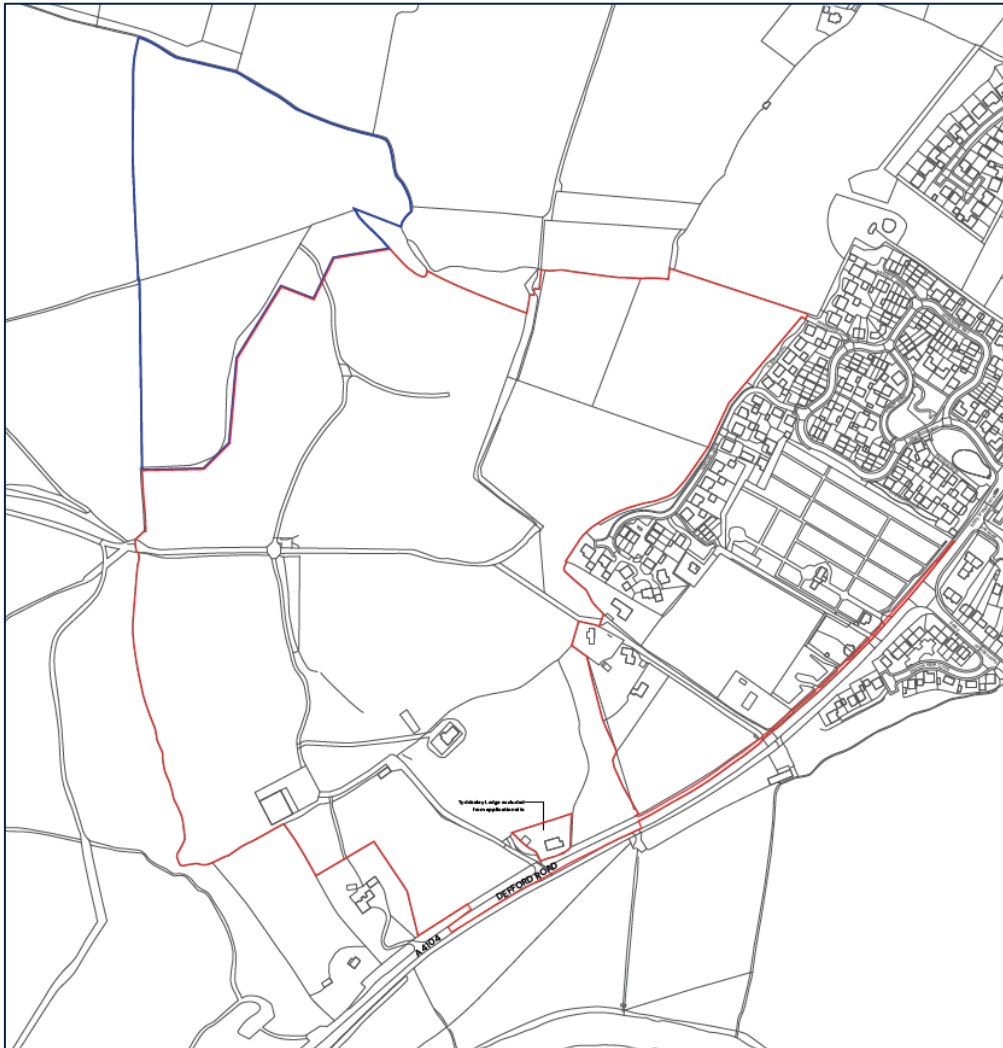


Figure 3.2: Site plan

- 3.4. The Site is bound by Defford Road to the south, existing residential development and a cemetery to the east, Tiddesley Wood, an Ancient Semi-Natural Woodland (ASNW) which is designated as a Site of Special Scientific Interest (SSSI) is located outside of the red line boundary to the west, with additional agricultural land to the north.
- 3.5. There are existing dwellings located along the southern boundary of the Site with undeveloped land between. Within the Site there is a farm house and a number of agricultural buildings, as well as some hedgerows and trees. There are two Public Rights of Way running through the Site. One of these runs east to west, forming part of the promoted leisure walking route Millennium Way (a 100 mile walking route between Pershore and Middleton Cheney in Northamptonshire), and continuing into Tiddesley Wood. The other runs north to south as shown overleaf.

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- 3.6. The Site slopes from a level of approximately 50mAOD at the north-west boundary of the Site to a level of approximately 17mAOD along the centre of the southern boundary (Defford Road). The primary existing Site access is taken from Defford Road to the south.
- 3.7. There are no designated or non-designated heritage assets within the Site boundary, and there are no ecological designations. Immediately adjacent to the eastern boundary of the site, there is a Grade II listed building, known as Woodman's Cottage. Further to the east is the Chapel, associated with the Cemetery and which is also a Grade II listed building. The majority of the Site is located within Flood Zone 1, with a small area of Defford Road falling within Flood Zone 2.

Surrounding Area

- 3.8. To the east of the Site is existing residential development which has been constructed over the last decade. There is also an existing cemetery and chapel and associated car park. The agricultural land to the south of the Site beyond Defford Road functions as a flood plain for the River Avon.

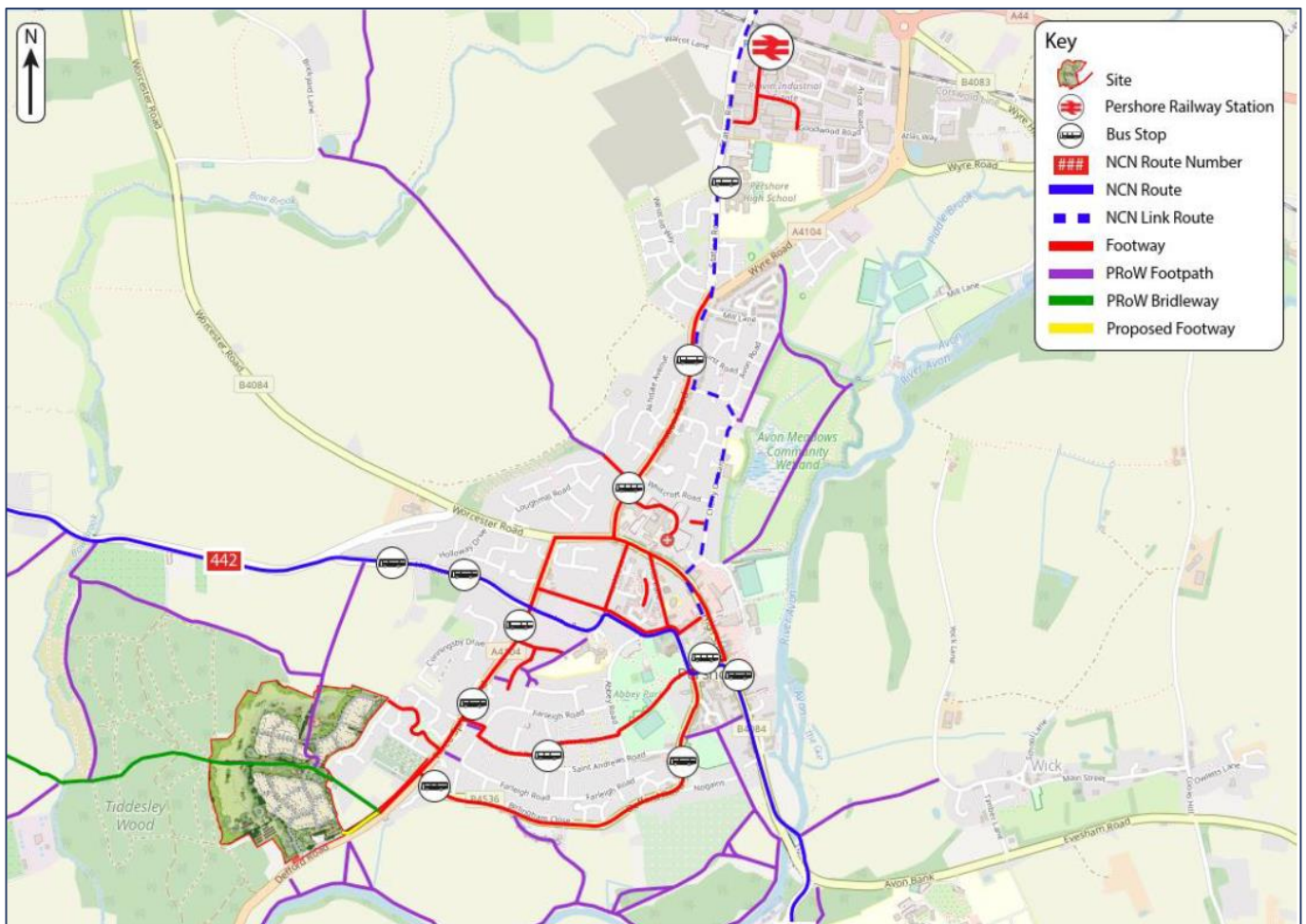


Figure 3.3: SLR Transport Statement figure 2.5 showing Public Rights of Way in green and purple

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3.9. Tiddesley Wood, a Site of Special Scientific Interest (SSSI) and ancient woodland, abuts the western Site boundary. The majority of the woodland is managed by Worcestershire Wildlife Trust, with the exception of land edged in blue shown in Figure 2.2, which is under the Appellant's control. There are multiple Public Rights of Way running through the woodland (Figure 3.3 as shown above). Figure 3.3 below identifies Tiddesley Wood (shaded yellow) in relation to the Site (shaded red).

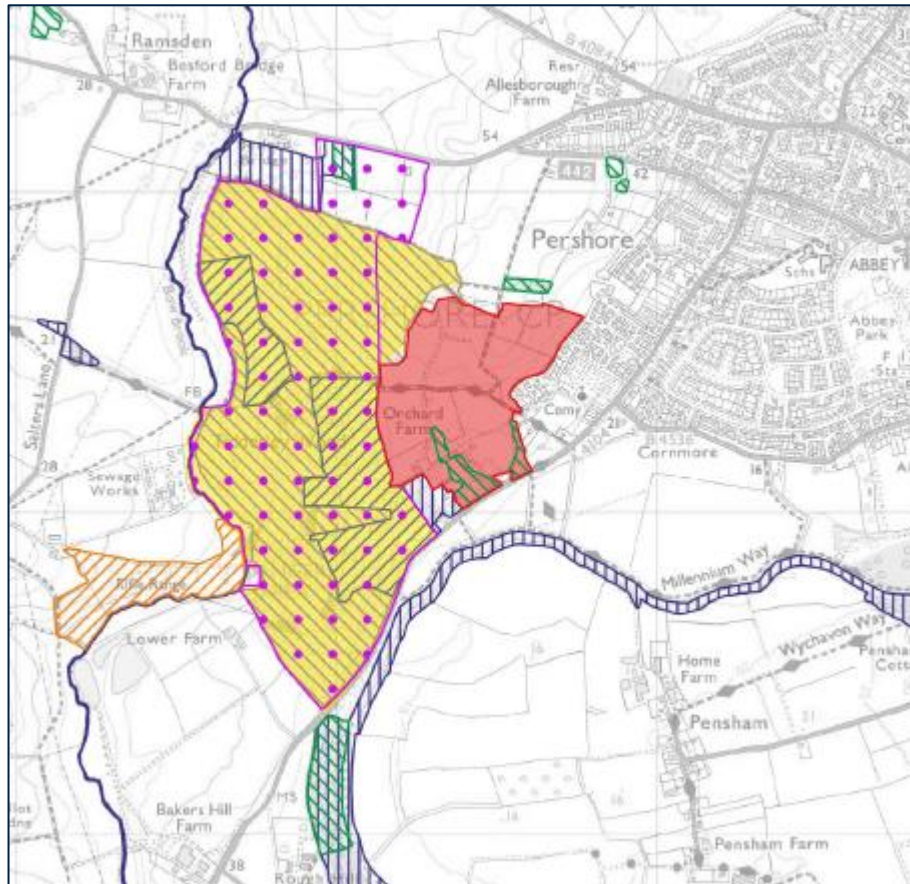


Figure 3.4: Tiddesley Wood SSSI Location (shaded yellow)

3.10. Additionally, land to the north east of the Site is proposed to be allocated in the emerging SWDPR for 112 dwellings (Policy SWDPR NEW 22, 23 and 24) in the Regulation 19 pre-submission, as shown in Figure 3.4 in light blue overleaf. This site is known as 'land south of Holloway'.

3.11. SWDPR NEW 22,23 and 24 were subject to similar objections to the subject Site at the previous Regulation 18 Preferred Options consultation stage relating to impact to Tiddesley Wood SSSI, flood risk and drainage, and also additional concerns relating to topography.

3.12. The northernmost part of the draft allocation was granted full planning permission for 28 dwellings (W/22/00658/FUL, labelled '1') on 29 May 2024. The remainder of the draft allocation is the subject of a live planning application (W/24/00270/FUL, labelled '2') for 120 dwellings.

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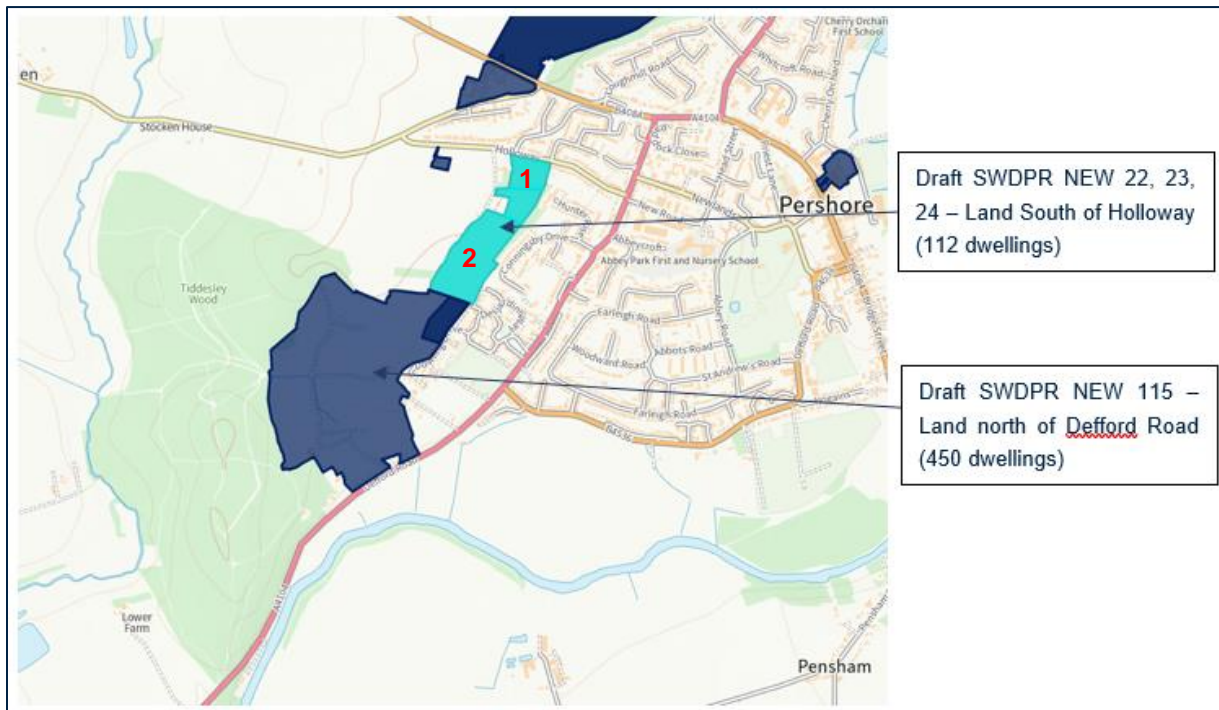


Figure 3.5: Draft Allocation SWDPR New 22,23,24

4. Relevant Planning History

Orchard Farm Planning History

- 4.1. A review of WDC's online planning application records shows no planning history relating to major development on the Site. The planning history for the Site is comprised solely of applications relating to agricultural development.
- 4.2. It should be noted that the consent for the existing agricultural dwelling on the Site, granted in March 1983 (ref: 83/00363), contained a condition mandating that the occupation of the dwelling shall be limited to those employed in agriculture or forestry. Two attempts have been made to remove this occupation condition in 1997 (ref: W/97/00579/PP) and 2010 (ref: W/10/00196/PP). The 1997 application was refused, and the 2010 application was withdrawn by the applicant.
- 4.3. The Appellant is aware of previous proposals for circa 150 dwellings on the Site put forward by a housebuilder (Lioncourt) on behalf of the previous landowner. It is our understanding that a public consultation and engagement event relating to these proposals was undertaken in 2017, but a planning application was not progressed as the promotion agreement expired and the Site was subsequently sold.

Land South of Holloway (SWDPR NEW 22, 23, 24)

- 4.4. Two applications have been submitted for residential development at land south of Holloway, the draft SWDPR allocation located to the north-east of the Appeal Site. The location of this site is shown in Figure 3.4 of this statement.
- 4.5. A full application for 28 dwellings (ref: W/22/00658/FUL) was submitted by Bromford Developments in April 2022. This application relates to the northernmost part of the draft allocation. This application was approved on 29 May 2024.
- 4.6. In February 2024, a full application for 120 dwellings was submitted by Harper Crewe in respect of the remainder of the draft allocation (ref: W/24/00270/FUL). This application relates to the southern parcel of the draft allocation, and is currently pending determination.

5. Development Plan

- 5.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Development Plan

- 5.2. The relevant Development Plan documents to this planning appeal are set out below. It is considered that there will be agreement between WDC and the Appellant on this matter.

- South Worcestershire Development Plan (SWDP) (adopted 2016); and
- Worcestershire Minerals Local Plan (adopted 2022).

- 5.3. The adopted Development Plan policies considered to be relevant to this appeal are set out below.

SWDP Policies

- SWDP 1: Overarching Sustainable Development Principles;
- SWDP 2: Development Strategy and Settlement Hierarchy;
- SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery;
- SWDP 4: Moving Around South Worcestershire;
- SWDP 5: Green Infrastructure;
- SWDP 6: Historic Environment;
- SWDP 7: Infrastructure;
- SWDP 13: Effective Use of Land;
- SWDP 14: Market Housing Mix;
- SWDP 15: Meeting Affordable Housing Needs;
- SWDP 20: Housing to Meet the Needs of Older People
- SWDP 21: Design;
- SWDP 22: Biodiversity and Geodiversity;
- SWDP 24: Management of the Historic Environment;
- SWDP 25: Landscape Character;
- SWDP 27: Renewable and Low Carbon Energy;
- SWDP 28: Management of Flood Risk;
- SWDP 29: Sustainable Drainage Systems;
- SWDP 30: Water Resources, Efficiency and Treatment;
- SWDP 31: Pollution and Land Instability;
- SWDP 32: Minerals; and
- SWDP 39: Provision for Green Space and Outdoor Community Uses in New Development.

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- SWDP 62: Implementation

Minerals Local Plan Policies

- MLP 42: Safeguarding Mineral Sites and Supporting Infrastructure.

5.4. The consultee response received from WDC Planning Policy states that, in addition to the above policies, WDC also considers the following policies to be relevant:

- SWDP 26: Telecommunications and Broadband;
- SWDP 33: Waste; and
- SWDP 38: Green Space.

5.5. It has been agreed with WDC that these policies are relevant.

5.6. Notwithstanding the relevance of the above SWDP policies, it is considered that the policies which are most important for determining the application are out of date, as per the provisions of NPPF paragraph 11d.

5.7. As set out in Section 6.4 of the submitted Planning Statement, it is agreed between the Appellant and the LPA that the following SWDP policies are the most relevant (and therefore out of date):

- SWDP 1 – Overarching sustainable development principles;
- SWDP 2 – Development Strategy and Settlement Hierarchy; and
- SWDP 3 – Employment, Housing and retail provision requirement and delivery.

5.8. In addition to policies SWDP 1, 2 and 3, the Appellant and the LPA also considers the following SWDP policies to be some of the most important policies relevant to this appeal:

- SWDP 4 – Moving around South Worcestershire;
- SWDP 7 – Infrastructure;
- SWDP 13 – Effective Use of Land;
- SWDP 15 – Meeting Affordable Housing Needs;
- SWDP 21 – Design;
- SWDP 22 – Biodiversity and Geodiversity;
- SWDP 25 – Landscape Character; and
- SWDP 39 – Provision for Green Space and Outdoor Community Uses in New Development.

Emerging Development Plan

- 5.9. The emerging South Worcestershire Development Plan Review (SWDPR) has been under preparation for a number of years and was submitted for Examination in September 2023. Hearing sessions for the Examination have yet to be scheduled due to delays to county-wide strategic transport modelling and sensitivity analysis, which had not been completed prior to the submission of the plan. On 25 April 2024, the South Worcestershire Councils wrote to the Planning Inspectorate to advise that this work would not be available until 30 August 2024. Therefore it is considered that Examination hearings are unlikely to be held until early 2025.
- 5.10. Although the Appellant has worked to produce a scheme which is compliant with the emerging policy requirements contained within the Regulation 19 pre-submission SWDPR in readiness for its adoption it is common ground that the policies within the SWDPR should be afforded very limited weight in the decision making process. This is because the SWDPR has not yet been examined by the Planning Inspectorate and found to be legally compliant and sound. Furthermore, it is not anticipated that the Examination into the SWDPR will commence before this appeal will be determined. However, the LPA will provide any update on this matter to the Inspector as required.

6. Relevant Material Considerations

6.1. In addition to the Development Plan documents set out in Section 5 of this statement, the following material considerations are considered to be relevant to the Appeal:

- National Planning Policy Framework (December 2023) (NPPF)
- Planning Practice Guidance (PPG)
- Affordable Housing SPD (adopted October 2016)
- Planning for Health SPD (adopted September 2017)
- Design Guide SPD (adopted March 2018)
- Developer Contributions SPD (adopted July 2018)
- Renewable and Low Carbon Energy SPD (adopted July 2018)
- Water Management and Flooding SPD (adopted July 2018)
- Emerging Design Code
- Worcestershire Landscape Character Assessment (2012)
- Emerging Local Nature Recovery Strategy

6.2. The above list of material considerations is not necessarily exhaustive and the Appellant and the Council may refer to other documents during the course of the appeal.

7. Draft Conditions

7.1. Given the nature of this appeal against non-determination, draft conditions have not been agreed with WDC to date, although a number of consultees recommended conditions relating to various technical considerations. The following draft conditions are proposed by the Appellant and WDC for consideration by the Inspector, on a without prejudice basis.

1. Application for the approval of reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the appearance, landscaping, layout and scale for each phase of development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to exercise proper control over these aspects of the development.

3. Before the commencement of development hereby permitted, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority.
4. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

- Proposed Emergency Access Route (ref: 227119-PD14.2 Rev A)
- Land Use Parameter Plan (ref: P22-2506_DE_0010 Rev F)
- Strategic Landscape Parameter Plan (ref: P22-2506_EN_0012_B_0001)
- Building Heights Parameters Plan (ref: P22-2506_DE_0013 Rev B)
- Demolition Plan (ref: P22-2506_DE_0020 Rev A)

Reason: To define the permission.

5. Before Development commences, a detailed schedule of works and design for the site access works at Defford Road, including pedestrian footway provision and shared-use access path, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall not be first occupied until the submitted detailed scheme, which is broadly in accordance with SLR drawings 227119_PD14-4 Rev A_Proposed Site Access - RT Facility-GA & Vis Assessment, 227119_PD14

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Rev A Overview Plan of Proposed Right Turn Facility, 227119_PD14-1 Rev A Proposed Footway Alignment 50mph and 227119_PD14-3 Rev A Proposed Footway Alignment End of Shared Route, subject to any minor modifications identified during the detailed design and Road Safety Audit processes, has been agreed in writing by the Local Planning Authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.

Reason: In the interests of achieving safe and suitable highway access for all users.

6. The Development hereby approved shall not be occupied until visibility splays, as shown on SLR drawing 227119_PD14-4 Rev A_Proposed Site Access - RT Facility-GA & Vis Assessment, are provided from a vertical point 1.05m above carriageway level at the centre of the site vehicular access at Defford Road and 4.5m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 160m in both directions, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to grow on the triangular areas of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety, particularly that driver visibility splays and stopping sight distances at the vehicle access on Defford Road are commensurate with the legal speed limit.

7. Details of the levels of the existing site and the precise floor slab levels of the approved dwellings, relative to the existing development on the boundary of the site, shall be submitted for approval as part of the reserved matters.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

8. Details of screen walls, fences, surface treatments to drives, cycle and footways and implementation timetable shall be submitted for approval as part of the landscaping reserved matters.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21, SWDP22 and SWDP25 of South Worcestershire Development Plan.

9. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 09.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays, Public or Bank Holidays.

Reason: To preserve the amenities of the locality in accord with Policy SWDP21 of the South Worcestershire Development Plan And to ensure the safe and efficient operation of the A4104 Three Springs Road and B4084 Worcester Road junction during the network AM peak hour.

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10. Before the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include: - the overall predicted energy requirements of the approved development; - the predicted energy generation from the proposed renewable/low carbon energy measures; and - an implementation timetable for the proposed measures. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan.

11. As part of any Reserved Matters application, a landscape scheme shall be submitted for approval which shall include: a) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas; b) a schedule of proposed planting – indicating species, size at time of planting and numbers/densities of plants; c) a written specification outlining cultivation and others operations associated with plant and grass establishment; d) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting. The landscaping shall be provided and maintained in accordance with the approved details.

Reason - To preserve and enhance the visual amenities of the area and to ensure the satisfactory development of the site - in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan.

12. As part of any reserved matters application, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall include mammal gaps to ensure permeability for small mammals and shall be completed before the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details.

Reason - To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

13. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- 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

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- 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;
- 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.

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: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and SWDP Policy SWDP22.

14. No part of the development shall be commenced, including any site clearance, until a Biodiversity Gain Plan (BGP) has been submitted to the planning authority and until such time that this plan has been approved by the Local Planning Authority. The plan shall be based on baseline assessments and habitat enhancements measured through the latest Defra metric and shall thereafter be implemented in full as approved.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and SWDP Policy SWDP22.

15. Prior to the first occupation of any of the dwellings hereby permitted, a comprehensive lighting design strategy for biodiversity, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority within one month of the commencement of the development hereby approved. The strategy shall:
 - a. Identify dark corridors and areas / features that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging and commuting; and
 - b. Show how and where external lighting will be installed and impacts of internal light spill (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory, commuting across the site or having access to their breeding sites and resting places.

All lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with SWDP Policy SWDP22.

16. Prior to the commencement of development (except demolition) hereby approved a landscape and ecological management plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The content of the LEMP shall be based on the recommendations made in the Ecological Appraisal, by Aspect Ecology dated September 2023, and shall be guided by the requirement to achieve the Biodiversity Net Gain scheme approved under condition 10 (above) and maintain this after implementation, and shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan 2016.

17. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the Flood Risk Assessment and Drainage Strategy prepared by PJA (document reference: 06842/FRA/001_P11). If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent water for this connection. The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage for each phase of development. Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented and thereafter maintained in accordance with the agreed scheme in accordance with the approved details and timing/phasing arrangement.

Reason: To ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

18. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.
19. No works or development shall commence until full details of all foul water drainage systems to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented in accordance with the approved details before the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment, in accordance with policies SWDP28, SWDP29 and SWDP 30 of the South Worcestershire Development Plan.

20. Unless otherwise agreed by the Local Planning Authority, the demolition of existing agricultural buildings on site , must not commence until conditions 1 to 6 have been complied with:
 1. A preliminary risk assessment of the farmhouse and curtilage must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
 2. Where an unacceptable risk is identified at the farmhouse and curtilage, a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

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3 Where identified as necessary, a detailed remediation scheme related to the farmhouse and curtilage that is required to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme for the farmhouse and curtilage must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following completion of measures identified in the approved remediation scheme, for the farmhouse and curtilage, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

6. 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 and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that the risks from land contamination identified around the farmhouse and curtilage to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Impact Assessment by FLAC. Unless indicated on the approved Arboricultural Impact Assessment to be removed, all existing trees and hedges on the application site, or branches from trees on adjacent land that overhang the application site, shall be retained and shall not be felled or pruned or otherwise removed. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the local planning authority.

Reason: To preserve the visual amenities of the surrounding natural and built environment. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

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22. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts. Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development. This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

23. The Development hereby approved shall not be first occupied until a Travel Plan prepared in accordance with Worcestershire County Council's prevailing guidelines for residential travel plans, has been submitted to and approved in writing by the Local Planning Authority. This Plan will thereafter be implemented, monitored for a minimum of 5 years and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.

Reason: To ensure residents of the development site are offered a genuine choice of sustainable travel modes and to promote sustainable access to the development site.

24. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential travel welcome pack promoting sustainable forms of access to the development, prepared in accordance with Worcestershire County Council's Guidelines for Travel Welcome Packs. The pack shall be made available for each dwelling hereby approved prior to first occupation.

Reason: To ensure the residents of the development site are offered a genuine choice of sustainable travel modes and to promote sustainable access to the development site.

25. The Development (except demolition) hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) including a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.

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The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

26. Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

27. A) No development (except demolition) shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraphs 200 and 211 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

7.2. Notwithstanding the above, both parties reserve the right to engage in further discussions on conditions as the appeal progresses.

8. Draft Section 106 Heads of Terms

8.1. A series of S106 Heads of Terms were submitted with the Application, with some further requests having been made during determination and following the submission of the appeal. The proposed Planning Heads of Terms are set out in the table below. The items identified are **without prejudice and subject to contract**.

Item	Potential Contribution set out in submitted Planning Statement (October 2023)	Contribution request
Affordable Housing	40% affordable housing contribution Commitment to provide policy compliant affordable housing on-site subject to the list of s106 obligations cumulatively sought being viable. Policy SWDP15 requires 40% affordable housing for residential developments of 15 dwellings or more. This would equate to 120 affordable units for a scheme of 300 dwellings.	WDC's housing officer requests a revision to the applicant's proposal to provide 25% First Homes, 60-69% Social Rented and 6-15% Intermediate Products. WDC would prefer the provision of 25% First Homes, 69% Social Rented and 6% Intermediate. The AH requests are being reviewed by the Appellant and remain to be agreed.
Public Open Space	Provision of policy-compliant Open Space typologies with the exception of sports pitches and cemeteries/churchyards. Framework Woodland Management Plan for Tiddesley Wood to be committed to, with land forming part of the wood under the Applicant's ownership to be transferred to a third party with conservation interests.	Discussions are ongoing with Natural England regarding a proposed mitigation package to mitigate impacts on Tiddesley Wood SSSI. This will comprise a mixture of on-site measures and alongside financial contributions.
Green Infrastructure	Commitment to provide a buffer zone between Tiddesley Wood and built development on Site of 80 - 165 metres.	
Sports Facilities	Off-site playing pitches contribution anticipated. Figure TBC.	WDC's Emergency Planning and Projects officer requests a Built Sports contribution of £202,119 and a Formal Sport Contribution of between £276,734 - £692,730. Open space – based on a delivery of 300 dwellings (estimated at 2.36 persons per dwelling equating to approximately 708 population = £257,386.00
Transport	A financial contribution towards off-site highway works. Figure TBC.	Bus Service contribution Purpose: Provision of a diverted bus service through the development Amount: £113,068.80

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		<p>Community Transport Contribution Purpose: Provision of Community Transport services to ensure the elderly and disabled residents have access to essential services Amount: £4,573</p> <p>Traffic Regulation Order (TRO) Purpose: Introduction of a TRO for the prohibition of general traffic at Henderson Drive (Emergency Access) Amount: £4,500</p> <p>Demand Responsive Transport (DRT) Purpose: Provision of a Demand Responsive Transport service to complement the bus service provision and ensure adequate access by non-car modes is available. Amount: £58,500</p> <p>Footway Enhancements Purpose: Provision of dropped kerb and tactile paving at Farleigh Road Amount: £3,000</p> <p>Pedestrian Signage Purpose: Provision of signage to direct pedestrians from the site to the town centre facilities Amount: £5,000</p> <p>Traffic Signal enhancement Purpose: Revalidation of MOVA at the signalised junction of Worcester Road/Station Road/High Street. Amount: £15,000</p>
Education	A financial contribution towards primary and/or secondary education. Figure TBC.	Worcestershire Children First have requested a total contribution of £2,853,700.
Health	A financial contribution towards primary and/or secondary healthcare. Figure TBC.	NHS CCG (Primary Healthcare) have requested a payment of £196,800 for primary healthcare services.

9. Matters of Dispute

- 9.1. The following matters are areas where it is considered that there is not common ground between the Appellant and WDC:

Planning Matters

- 9.2. The appellant considers that there is a tilted balance arising under paragraph 11d of the Framework.
- 9.3. The Council considers that as the site adjoins a designated SSSI and an Ancient Semi-Natural Woodland, an irreplaceable habitat, both assets of particular importance in respect of Paragraph 11d (i) and that the protection from development (in respect of footnote 7) applies.
- 9.4. The weight to be attached to adopted planning policies is yet to be agreed.

Conditions

- 9.5. The following condition wording has been proposed by the Appellant, however WDC is not in agreement with the condition:

“Prior to occupation of the first dwelling, a Visitor Access Management Plan will be submitted to and approved in writing by the local planning authority. This will include details of measures to manage and control visitor access so as to ensure that the condition of the SSSI is not adversely affected by footfall or other recreational activities. The plan will set out details of measures to control access, including details in respect of:

- a) Temporary or permanent path closure (using fencing or brash piles); and/or,*
- b) Path diversion around wet-lying areas; and/or*
- c) Upgrading of unmade paths where found to be vulnerable;*
- d) Provision of boardwalks in key locations;*
- e) Treatment of Millenium Way PROW and the entry point from the site, to improve and delineate pathway to avoid adverse effects from widening;*
- f) Signage to direct visitors away from sensitive areas;*
- g) Increased way-marking;*
- h) Use of ditches to discourage formation of other pathways and maintain a drier nature to existing paths;*
- i) Dog-bins, with their locations marked on site maps, and limited to periphery / entry points (emptying of dog bins on the site/ woodland entry points would be the responsibility of the management company);*
- j) Information/interpretation boards (to augment to small number already provided);*
- k) Regular surveillance, through effective wardening, to provide early warning of emerging problems;*
- l) An organised system of response to enable swift intervention where required i.e. adaptive mitigation;*
- m) The closure of car parking on a number of days / temporary basis;*

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- n) *Funding to provide tools and machinery to facilitate management of the woodland by volunteers from the new development, which in turn would foster a sense of ownership and custodianship for the woodland; and*
- o) *Provision of a Home Owners Pack to explain the special nature of Tiddesley Wood and its sensitivities and the alternative greenspace options and walking routes available in the area; The approved plan will be implemented in accordance with the approved details."*

9.6. It is considered that the wording of this condition will be agreed in the lead up to the inquiry.

9.7. The following condition wording has also been proposed by WDC, however the Appellant considers that a Grampian condition is not necessary. These works will form part of the S278 agreement that will deliver all of the off-site highway works required to support the proposed development:

"The Development hereby approved shall not be occupied until the Zebra Crossing at the A4104 Three Springs Road has been implemented, generally in accordance with SLR drawing 227119_SK09 Proposed Footway Alignment Zebra Crossing.

Reason: To ensure the development site is provided with a genuine choice of sustainable travel modes, to maximise accessibility to Pershore Town Centre by active travel modes and in the interests of highway safety particularly vulnerable pedestrians."

Ecology

9.8. For further discussion of matters relating to ecology, please refer to the separate Ecology and Biodiversity Statement of Common Ground.

Landscape

9.9. For further discussion of matters relating to landscape, please refer to the separate Landscape Statement of Common Ground.

Highways

9.10. For further discussion of matters relating to Highways, please refer to the separate Highways Statement of Common Ground.

Affordable Housing

9.11. For further discussion of matters relating to Affordable Housing, please refer to the separate Affordable Housing Statement of Common Ground.

9.12. In respect of affordable housing matters there does not appear to be any valid reasons for the refusal of a planning permission. There are minor elements to be agreed (tenure mix and build size of affordable dwellings) which will be agreed shortly with WDC and will be included in the draft s106 agreement.

Masterplanning and Design

- 9.13. It is considered that there are no matters of dispute between the Appellant and WDC in respect of masterplanning and design.

Flood Risk and Drainage

- 9.14. It is considered that there will be no matters of dispute in relation to flood risk and drainage.

Housing Land Supply

- 9.15. The Appellant will engage with WDC during the appeal period to agree matters in respect of housing land supply, but given the calculation is a snapshot in time, this may change in the coming weeks / prior to the inquiry. Notwithstanding the Council's accepted position regarding the lack of a 5 (or even 4) year housing land supply, the appellant will be reviewing the 5 year housing land supply position in detail and intends to submit a proof of evidence in support of this subject matter and which sits outside of the planning evidence being presented.
- 9.16. At the time of preparing the Planning Statement of Common Ground, WDC has acknowledged the current lack of a 4 year housing land supply, which would be afforded significant weight in the planning balance. Currently neither MHDC (Malvern Hills District Council) nor WDC can currently demonstrate a 4YHLS. As such, the presumption in favour of sustainable development, as set out in the NPPF paragraphs 11 to 14, should be applied in MHDC and WDC. The 4YHLS calculations at 1 April 2023 are 3.47 years for Malvern Hills, 4.99 years for Worcester City and 2.78 years for Wychavon against the standard method housing requirement.
- 9.17. On 30 July 2024, a revised NPPF and Standard Method calculation for housing need was published for consultation until 24 September 2024. The standard method housing target for Wychavon is proposed to rise from 486 dwellings per annum under the current NPPF to 959 dwellings per annum under the new NPPF, representing a 473 dwelling (97%) increase in housing need per annum. The revised NPPF also seeks to reinstate the 5YHLS requirement for all LPAs, however, at this stage it is not known if the changes in the NPPF consultation will take effect.
- 9.18. It is recognised that, should the revised NPPF and standard method calculation be published prior to the determination of the appeal (anticipated by 30 December 2024), the 5YHLS position may change and should be subject to further review.

10. Matters of Agreement

- 10.1. Having given regard to consultee responses and engagement with WDC and other consultees following the submission of the planning application, it is considered that there should be common ground with WDC regarding a number of matters which are discussed in turn below.

Housing Land Supply

- 10.2. It is considered that there should be common ground between the Appellant and WDC regarding the significant housing shortfall in Wychavon, exemplified by the inability of WDC to demonstrate the required 4 year housing land supply. The most recently published position by WDC (December 2023) is that of 2.65 years supply. It is considered premature for the Appellant to provide detailed evidence in respect of housing land supply at this stage, given it is possible that a revised position statement (with a base date 1 April 2024) could be published in the run up to the inquiry. Accordingly, the Appellant reserves the right to further challenge the 5YHLS figure as part of the Appeal.
- 10.3. It is considered that the complexity of the evidence likely to be presented in respect of housing land supply underscores the need for this appeal to be determined under the public inquiry procedure.
- 10.4. It is agreed that in order to address the housing land supply shortfall, some unallocated greenfield sites will need to be released for development prior to the adoption of the new SWDP, through the grant of planning permissions.

Principle of Development and Planning Policy

- 10.5. The consultee response received from WDC Planning Policy states that, as WDC cannot currently demonstrate a 4YHLS, the presumption in favour of sustainable development is engaged as set out at paragraph 11d of the NPPF. It is considered that there will be common ground with WDC on this point.
- 10.6. The WDC Planning Policy response confirms that ‘the impact on the adjoining Tiddesley Wood, an ancient woodland and SSSI, should be carefully assessed to ensure the protection of this natural heritage asset’. The Appellant does not dispute this and this will be considered as part of the appeal.
- 10.7. The Planning Policy consultee response does not confirm, as set out in paragraph 11d of the NPPF, which policies are considered to be the most important for the determining the application. This is a matter the Appellant will seek to agree common ground on with WDC through the appeal process.
- 10.8. The WDC Planning Policy response also confirms that the draft policies within the SWDPR carry little weight at this stage, given the early stage of the Examination process. The Appellant agrees with this position.

Affordable Housing

- 10.9. It is considered that there should be common agreement regarding the following matters in relation to the provision of affordable housing proposed as part of the development.

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- 10.10. Both the Appellant and WDC will recognise the shortage of affordable housing both locally, and across the district. Affordable housing is therefore an important material consideration in planning decisions at WDC.
- 10.11. The proposed development will deliver 40% affordable housing across the site and with a tenure mix that reflects the development plan policy, local needs, the NPPF and First Homes policy statement, details of which will be secured via a S106 Agreement.
- 10.12. Both parties agree that Orchard Farm will provide a policy compliant level of affordable housing. Significant weight is to be afforded in the planning balance in light of the commitment to deliver a full policy compliant affordable scheme and much needed affordable housing in the local area.

Air Quality

- 10.13. A consultee response was received from Worcestershire Regulatory Services (WRS) in respect of air quality, confirming that WRS concurs with the conclusions of the submitted Air Quality Assessment and has no objection to the proposals.

Noise

- 10.14. A consultee response was received from WRS in respect of noise, confirming that WRS considers the submitted Noise Assessment to be appropriate and has no objection to the proposals, subject to the implementation of the mitigations measures set out in the report.

Contaminated Land

- 10.15. A consultee response was received from WRS in respect of contaminated land, confirming that WRS has no objection to the proposals subject to conditions requiring remediation to be undertaken, should any contaminated land be discovered during construction.

Flood Risk and Drainage

- 10.16. It is anticipated that, given no objections have been raised by WDC Drainage Engineers, the Environment Agency, Severn Trent Water and the Lead Local Flood Authority, there will be common ground with WDC on flood risk and drainage matters.
- 10.17. During pre-application engagement with the local community and in response to concerns raised around surface water drainage from the site onto Defford Road, the Appellant has undertaken site-specific hydraulic modelling to assess in detail the surface water and fluvial flood risk for both the existing and post-development scenarios. This identifies a significant reduction to potential surface water flood risk in post development conditions, as compared to the existing baseline conditions, in all modelled events, including up to the 1 in 1000 year event. Most notably, due to the Sustainable Drainage Systems and additional mitigation measures that have been introduced as part of the proposed development, a reduction in unmanaged surface water flows crossing Defford Road of approximately 78% has been modelled in the 1 in 100 year plus climate change event under post development conditions, as compared to existing baseline conditions.

Heritage / Archaeology

- 10.18. Historic England issued a consultee response confirming that they will not be advising on the application and defer to the LPA on heritage matters. Following this, the consultee response from the WDC conservation officer confirmed that the proposals will have a negligible impact on the wider setting of the nearby listed building. There will be an impact on the wider setting of the Grade I listed Pershore Abbey, but it is not considered that this will impact the significance within the landscape. As such, the officer considers that the proposals accord with the conservation aims of policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016 (SWDP).
- 10.19. With regards to archaeology, WDC's archaeology officer requested that 4% trial trenching of the appeal site was undertaken prior to determination of the application. Trial trenching has subsequently been undertaken and confirmation was received from WDC's archaeology officer on 17 May 2024 that the findings of this were acceptable. The officer has requested that further investigations are secured via condition.
- 10.20. It is therefore common ground that there is no basis for withholding planning permission on heritage grounds.

Public Rights of Way (PRoW)

- 10.21. An initial response received from WCC's PRoW officer stated that, whilst no objection was raised in principle and the retention of all PRoW running through the site was welcomed, the submitted plans showed a misalignment of PRoW PS-521. This was subsequently corrected by revised plans submitted in February 2024, following which a revised response was received confirming that officers raise no objection to the scheme.

Arboriculture

- 10.22. A consultee response received from the WDC tree officer confirms that the officer has no objection to the proposals, as the trees proposed to be felled as a result of the development are considered to be of poor quality and limited life expectancy. However, a further response is expected in light of the updated cut and fill plans and will be further examined in the relevant Proof of Evidence.

Landscape

- 10.23. For further discussion of matters relating to landscape, please refer to the separate Landscape Statement of Common Ground.

Highways

- 10.24. For further discussion of matters relating to highways, please refer to the separate Highways Statement of Common Ground.

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Ecology

- 10.25. For further discussion of matters relating to ecology, please refer to the separate Ecology and Biodiversity Statement of Common Ground.