

22.11.2023



Worcestershire
Wildlife Trust

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Dear Gillian,

Re: Planning Application Consultation W/23/02112/OUT Orchard Farm, Defford Road, Persnore

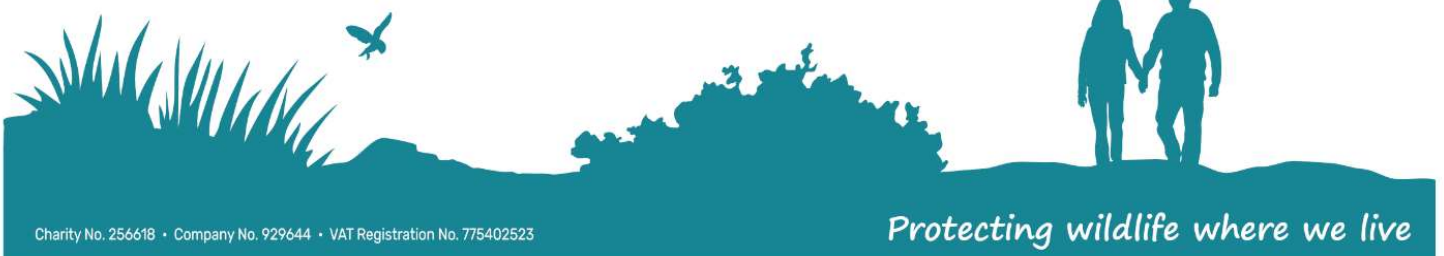
Thank you for sending us details of this application. We note the contents of the various associated documents and in particular the commentary, findings and recommendations set out in the Planning Statement by Savills, the Design and Access Statement by Pegasus, the Ecological Appraisal by Aspect Ecology, the Tree Survey by FLAC and the Air and Noise Assessments by SLR. We also note that the site falls immediately adjacent to Tiddesley Wood Site of Special Scientific Interest (SSSI), the greater part of which is one of Worcestershire Wildlife Trust's nature reserves and has been owned by the Trust since 1986.

You will be aware that we have long-standing and very considerable concerns about development on this site and that we, along with Natural England and many members of the public, recommended its removal from the SWDPR. Our comments in that context are a matter of public record and we will not repeat them here. Nonetheless, we were pleased when the South Worcestershire Councils recognised the validity of our concerns and deleted the previously-proposed allocation. Accordingly, we are saddened to receive this application, which clearly runs counter to the plan-led approach dictated by Government policy.

As you would expect, the comments set out below are limited to ecological considerations. Noting that matters of landscape and visual amenity, traffic and transport and drainage may also be significant in this case our silence on those issues, or other relevant matters, should not be taken to diminish their importance. We recommend that you consult specialists in the relevant disciplines for a fully informed view to help with your deliberations.

Having considered the submitted documents, and noting the proposed mitigation, we believe that the proposed development would be damaging to Tiddesley Wood SSSI, contrary to planning policy and the law, and may not be able to deliver biodiversity net gain as required. **We therefore wish to object to the application.** Our key concerns and rationale for objecting are set out in the following paragraphs.

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1. In our view, the application documents significantly underplay the risks to wildlife associated with the proposed development and overplay the capacity for mitigation to offset these risks to an acceptable degree. This is especially the case in relation to potential impacts in Tiddesley Wood. Given that the wood is designated as an SSSI the council has a specific legal obligation to both protect and enhance it through its functions under Section 28G of the Wildlife and Countryside Act 1981 (as amended). We do not believe that permitting the development proposed here would be compatible with that obligation or with the council's recently strengthened duty under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended). This requires the council to '*consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective*'. The general biodiversity objective, set out in the Environment Act 2021, requires the council to take action to provide for the enhancement and improvement of biodiversity; i.e. to go beyond maintenance of existing biodiversity. It is also relevant that much of the site is listed as Ancient Semi Natural Woodland (ASNW) and therefore qualifies as an Irreplaceable Habitat in the meaning of the term in the National Planning Policy Framework (NPPF) (see para 180c and footnotes). This means that any deterioration of habitat in the wood would need to be justified by wholly exceptional reasons. We do not believe that a housing development of 300 dwellings is 'exceptional' in the meaning of the NPPF and so any deterioration arising from the development would be contrary to policy. To permit the application would therefore, in our view, be contrary to both the council's legal responsibilities in relation to biodiversity and guidance in the NPPF (see for example paras. 174 and 180), the South Worcestershire Development Plan (SWDP) (see SWDP22) and the emerging SWDPR 26.
2. Principal among our concerns is the fact that we do not believe that the buffer proposed next to the wood would work as intended. While we accept that there would eventually be some modest protection afforded to the woodland fringe (in terms of noise and light attenuation for example) this would take many years to develop, leaving a considerable time in which the SSSI would not be 'buffered' at all. Furthermore, we do not accept that the proposed landscape treatments would effectively prevent adverse effects arising from increased recreational pressure within the SSSI and ASNW. While we welcome visitors to Tiddesley Wood, the impacts of recreation are a significant concern for the Trust and are already affecting the woodland wildlife. Essentially, we consider the wood to be 'at capacity' for the visitor pressure it can absorb. Added recreational pressure, such as may be anticipated from 300 additional houses, will exacerbate issues such as habitat loss as a result of trampling and creation of unauthorised paths through the wood, increased dog disturbance and fouling along path sides and beyond, and noise and anti-social behaviour. All of these issues are apparent in the wood to a degree, will certainly have impacts on a range of wildlife, and are proving difficult to rectify despite considerable investment in path management, signage and site wardening by the Trust. Noting that these issues already occur we would point out that any increase in harm arising from the development would be at odds with the council's duty to 'protect and enhance' the SSSI and avoid harm to the ASNW, regardless of how significant the uplift in pressure might be. Connected to this is the fact that increased access to the wood from the rest of Pershore may also be facilitated by this application. Easier parking on the new development and enhancements to the path network connecting to town are likely to drive additional visits from beyond the new development in combination with the direct uplift from the proposed dwellings. Additional visits cannot be controlled or limited given the existing PROW network, which effectively leads pedestrian 'traffic' into the wood meaning that access pressure will almost certainly increase. Accordingly, we take a different view of the NE/FC Standing Advice on woodland buffer zones to that set out by the applicant. In fact, we consider that the situation here is exactly the context in which the Standing Advice suggests

that *'Where assessment shows other impacts are likely to extend beyond this distance [15m], the proposal is likely to need a larger buffer zone.'* In this case we contend that in order to be effective that buffer zone must be very substantially larger than the one proposed in the application. This is incompatible with development on the Orchard Farm site.

3. While we note the applicants' assertions regarding the use of SANGS to limit recreational pressure elsewhere, we do not believe that the situation here is the same as in those cases. The SANGS in question appear to replace one open space with another whereas the park-like open space created through the buffer here is in no way comparable to a bluebell-rich ancient woodland. It seems extremely unlikely that visitors and residents would stop short of the woodland in all cases as the recreational enjoyment provided by the buffer zone would be of a completely different type to that on offer within Tiddesley Wood. We would therefore expect to see considerably more pressure within the woodland, especially in the spring bluebell period when the ground flora, for which the woodland is important, would be especially vulnerable. Evidence collected by the Trust already suggests a marked uplift in visits at that season and so additional and increased pressure can be anticipated. Though the application documents suggest that such pressures are limited and easy to manage we take the opposite view. There is evidence of trampling pressure, direct habitat loss, path widening and dog fouling already and our own experience on this site and others suggests that the rather bland assertions made in the application about these matters being solvable through mitigation are not correct. Therefore, while we note that the applicants have made efforts to offset the clear risks to the SSSI and ASNW, we do not believe their proposals will be effective. This is particularly problematic because it seems likely that the additional harm would be incremental and continuous whereas any mitigation put in place would essentially be set-in-stone through conditions at the point of determination. If, as is very likely, the SSSI habitats do decline following development, despite that mitigation, any capacity to undo that harm will be severely limited and the SSSI may be expected to deteriorate accordingly.

4. In connection with this, we do not agree that the proposed 'buffer' planting alongside the woodland will be a meaningful addition to Tiddesley Wood SSSI as suggested by the application. It will take many years to mature and will always be affected by noise, light and domestic pets. In a more general sense it seems to us that the proposed development would in fact be at odds with the direction of travel in national policy and guidance on protecting and enhancing the environment. National policy documents including the NPPF and the Government's 25-yr Environment Plan (A Green Future: Our 25 Year Plan to Improve the Environment) set a trajectory for decision-making that seeks to deliver a resilient nature recovery network and provide net-gains in biodiversity. Securing this network and delivering these gains will require authorities to take meaningful steps to protect and enhance important existing assets and plan positively in order to re-link them through focussed interventions designed to deliver habitat that is bigger, better and more joined up. The Worcestershire Green Infrastructure Strategy and emerging guidance in the Local Nature Recovery Strategy build on this approach and would suggest that a much more significant extension to the SSSI, the key woodland asset in the area, would be more appropriate here. Noting the council's duty under Section 40(2A) of the NERC Act, close consideration of guidance in the emerging LNRS will be important. Delivering new housing at the level anticipated in this application would permanently block the potential for this key woodland asset to grow and would be out of step with current thinking and emerging policy.

5. Alongside the clear effects of recreational pressure, evidence gathered by colleagues at Yorkshire Wildlife Trust demonstrates that damage and disturbance by dogs and other domestic pets increases with the proximity of development to nature reserves. Bringing the developed edge of Pershore closer to Tiddesley Wood would doubtless increase the impacts already being felt in the wood from dog fouling and disturbance to wildlife but we also have particular concerns in relation to the impacts of domestic pet incursions, primarily by cats, from the development into the wood. There is good evidence to suggest that these animals may wander widely, and certainly further than the proposed buffer width, and we would expect to see increased predation within the SSSI as a result. We do not believe that the proposed buffer would be effective at limiting the resulting harm to wildlife. Importantly in this context, the breeding bird assemblage is mentioned specifically in the SSSI citation for Tiddesley Wood and so we take the view that the requirements of Regulation 10 (subsections 1, 2, 3 and 8) of the Conservation of Habitats and Species Regulations 2017 are engaged because there is likely to be a clear deterioration in habitat for wild birds as a result of an increase in cats and dogs using the wood. Again, this would suggest that granting permission here would be contrary to the council's legal obligations.
6. Having noted the significant risks to the SSSI and ASNW we now turn to the application site itself. We note the efforts the applicants have gone to in order to demonstrate on-site biodiversity enhancement. Some of these elements are welcome but we are not able to support the Biodiversity Net Gain (BNG) claims made in the submitted documents. We have not had sight of a full botanical survey for the site but we note that the grassland, which covers most of the area, is classified as 'poor-moderate' condition in the Metric calculations. This is at odds with the Worcestershire Habitat Inventory, which suggests that almost all of the grassland on site may be neutral grassland of higher value. On the other side of the calculation the applicants suggest that grassland created through the development would reach 'good' condition. That is unlikely to be the case given the use of the greenway areas by residents and others. Given these discrepancies we believe that the BNG calculations will be severely undermined and a net loss, in terms of habitat units, may even be anticipated. This would be contrary to policy and so we strongly recommend that the council examines the underlying evidence in detail. We recommend that you request the full botanical survey information used and that any limitations or uncertainties are dealt with prior to determination.
7. In connection with this it will be important to determine the level of cut and fill needed to deliver appropriate levels on site. This receives little attention in the application documents but we note that the Landscape and Visual Impact Assessment makes reference to '*earthworks and construction of internal road infrastructure and practical development platforms.*' Any changes in level may affect the balance of retained vs lost habitat and therefore the BNG calculations as well. They may also have implications for light spill and maintenance of dark corridors, which will be important for bats and other nocturnal wildlife using the site. While we understand that some of this detail may be held back until reserved matters applications it is essential that the council can fully understand the overall ramifications for biodiversity prior to determination at this stage.
8. Further to the comments above we recommend that the council seeks clarification on the underpinning surveys used to inform the Ecological Appraisal. In particular, we note that the bat surveys were still ongoing at the time of submission. Final results should be made available to the council prior to determination so that the protected species evidence used can be clearly understood and taken into account fully in the decision-making process as required by the law.

9. In addition, we wish to make clear that our concerns about this application are exacerbated because the Ecological Appraisal does not set out the in-combination effects of the various aspects of harm noted above. Trampling of ground flora in the SSSI, noise and disturbance, dog fouling etc. may be relatively modest in impact in isolation and in the short-term but taken together they are likely to lead to significant adverse effects on the SSSI and ASNW, especially over longer timeframes. There does not seem to be any consideration of the long-term nature of these impacts in the application documents and so the proposal is likely to underestimate them. This issue is compounded by the fact that there is very little discussion of the role the Orchard Farm site itself plays in maintaining the current status of the SSSI (is the land functionally linked to the SSSI in relation to its breeding bird assemblage for example), and no meaningful consideration of time-to-target-condition for the buffer landscaping proposed.
10. Furthermore, issues such as noise and in particular air quality impacts on the SSSI may be exacerbated by in-combination effects from other nearby development and existing activity and this does not appear to have been considered in the submissions so far. We believe that it should have been and that guidance on interpreting these impacts suggests as much. Accordingly, we believe that additional evidence in relation to these matters is essential and that it is required prior to progressing the application.

Taken together the issues outlined above mean that we do not believe this application can be made policy compliant and we therefore recommend that you refuse it. However, should you be minded to progress the application we consider that substantial additional ecological information would be required prior to determination, in line with planning guidance and your legal obligations. The lack of such evidence may be considered a reason for refusal. Drawing together additional evidence into a formal Environmental Impact Assessment (EIA) rather than a simple addendum to the existing documentation would be preferable. While we note the council's screening opinion on this matter (set out in its EIA Analysis and Screening Proforma) it is clear that the proposed development is in fact near a 'sensitive area' – in the meaning of the regulations – i.e. Tiddesley Wood SSSI and that there is the potential for significant effects to occur. Accordingly, the more rigorous approach to decision-making facilitated by EIA would offer a more appropriate way forward in the event that the council are minded to progress the application. It would certainly allow for appropriately detailed scrutiny of the issues raised here and by others through the consultation process and would offer a clear and more accurate ecological assessment of the site.

We would be pleased to discuss any of the issues raised here with the council and applicants' agents if that would be helpful. We will of course also wish to comment on any additional evidence submitted in support of the application but in the meantime we must restate our strong objection to the proposals.

If, having considered the comments set out above, you are minded to approve the application we would respectfully request that you offer us a further opportunity to respond. In addition, given the potential for some of the matters raised above to affect Tiddesley Wood SSSI, we strongly recommend that you also re-consult Natural England on any amended plans or documents, in line with your legal duties.

In the meantime, I hope that our comments are of use to you. Please don't hesitate to contact us again if we can be of further assistance.

Best Wishes,

A handwritten signature in black ink, appearing to read "Steven".

Steven Bloomfield

Senior Conservation Officer – Planning