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Dear Gillian,

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

Thank you for sending us the additional details for this application. We note the contents of the various associated documents and in particular the findings and recommendations (and amendments from previous iterations) set out in the *Ecological Appraisal. Planning Boundary Change - Addendum Sheet, Bat Addendum Report 2 and Biodiversity Net Gain Assessment (Updated)* by Aspect Ecology; the *Design and Access Statement* by Pegasus; the *Air Quality Assessment* by SLR; the *Flood Risk Assessment, Surface Water Drainage Strategy and Foul Drainage Strategy* by PJA; and the *Letter to Natural England* (subtitled *Orchard Farm, Persnore - Approach To Mitigation Re: Tiddesley Wood SSSI*) by Sylvan, which was received by the Trust on the 18th of June.

While the new information is helpful and welcome it does not allay our principal concerns or answer the questions posed in our previous responses. With that in mind **we wish to maintain our objection to this application**. We hope that the following specific comments will be helpful in clarifying our position.

1. Impact on Tiddesley Wood Site of Special Scientific Interest (SSSI) and Ancient Semi Natural Woodland (ASNW). We note the additional information provided in the Sylvan letter to Natural England and we look forward to further discussions with the applicant regarding the probable impacts on the wood. As yet, however, we have not had any follow up after the meeting mentioned in the letter and so we are unsure as to what additional, Tiddesley specific, recommendations may be forthcoming. We recommend that you delay determination until such time as this additional information becomes available. Notwithstanding this, while they do contain some interesting commentary, we are very troubled by the fact that the case studies submitted, purportedly to demonstrate successful implementation of development in similar circumstances to this application, do not respond to our concerns. Despite considerable (and welcome) efforts by the applicant's agents the case studies do not match the circumstances of this case. Mindful of the fact that we've not been able to forensically examine all the cases in the time available, we expand on our reasoning below.



2. Of the 22 cases outlined, just five cover SSSIs. In our view these are the only cases that can be considered similar to the situation here. The legal threshold for 'success' in the other examples would be lower than the rigorous standards we would expect at Tiddesley Wood SSSI.
3. In connection with this we recognise that 11 cases relate to SANGs, where the use of the woods is directly intended to offset recreational risks to internationally designated sites. This suggests that an overall increase in recreational pressure would be considered not only acceptable but presumably an effective use of the woods. This is not the case at Tiddesley so again the threshold of acceptability may be considered differently.
4. Of the five SSSI case studies just two consider sites where adjacent planning permissions are more than 10 years old (one site received an RM permission as recently as January 2024). This goes to the heart of our concerns at Tiddesley, where we have repeatedly made it clear that it is long-term degradation of the site, through cumulative impacts, that concerns us most.
5. Two of the three case studies highlighted as being particularly relevant are in Milton Keynes. Both are managed by The Parks Trust Milton Keynes. According to the Charities Commission this charity turns over £16m per year (including £10m in investment income) from c£140m of endowed funds and their expenditure on "Management & maintenance of leisure facilities, parks and pathways" was £10.1m in their last financial report (2023). We recognise that not all of this path management expenditure will have gone on the sites in question but we do consider this operational model to be of a completely different scale to the sort of S106 agreement or roof tax that could be reasonably applied at Tiddesley. Again, that goes to the heart of our concerns about the robustness and longevity of any agreement for mitigation here. In connection with this we note that Howe Park Wood SSSI has a visitor centre and education hub adjacent, suggesting that staff are on-site and able to monitor and manage visitor pressure consistently. Funding such 'wardening' provision in perpetuity would need to be factored into mitigation at Tiddesley for the case to be considered similar.
6. Underlining the comments above, we note that where we have been able to find them none of the relevant SSSI condition assessments for the sites mentioned are more recent than 2016. It is therefore not clear to us what the current condition might be following the passage of time.
7. As a result, we do not consider that the examples respond adequately to our concerns over in-combination effects of harm over the long term, or the likely effectiveness of mitigation (including both mechanisms for reducing recreational pressure and longevity of funding), as set out in points one to five of our initial submission (dated 22.11.2023). This means that those concerns remain a key element of our objection and, in our view, a fundamental issue for the Council's consideration of the application.
8. In addition, we draw the Council's attention to the well-understood mitigation hierarchy, which sets out that avoidance of harm should be the first step in decision-making, before consideration of mitigation. Given that Orchard Farm is not allocated in the emerging SWDPR the required development can clearly be accommodated sustainably elsewhere in the district in line with the plan-led approach. Accordingly, this site does not need to be developed at all, meaning that all risk of harm from the proposed development can be avoided completely.
9. Biodiversity net gain. We welcome the amended BNG commentary and consider that the botanical survey underpinning the metric calculations better reflects the situation on the ground. We are still somewhat concerned about the anticipated long-term quality of some created habitats and we can see no mechanism to underpin the proposed '*in perpetuity*' management of the created and enhanced parcels (see para. 5.6.2). However, we do believe that net gain above the statutory threshold will be achievable. As such we do not wish to comment further on this aspect of the application at this stage. Should you be minded to grant

approval for the application it will be essential to include a condition requiring a Biodiversity Gain Plan.

10. Site section cut and fill. We note the additional details provided in Appendix D of the Flood Risk Assessment, Surface Water Drainage Strategy and Foul Drainage Strategy by PJA regarding cut and fill across the site. It seems to us that the landforming requirements are significant and will, as we anticipated, have ramifications for the BNG calculations and for maintenance of dark corridors within the green infrastructure corridors across the site. We strongly recommend that the Council pays particular attention to this aspect of the development prior to determination and that it confirms that planned interventions will be capable of implementation on the ground after earthworks are completed. This is also relevant to arboricultural considerations where some retained trees seem to be close to areas of changing ground level. Indeed, there is at least one location where the masterplan shows retained 'mature' vegetation in the same place as the Indicative Preliminary Cut and Fill Assessment shows substantial change. We recommend that you take expert advice on this matter from the Council's in-house experts prior to determination.
11. Bats. We welcome the updates to the bat survey work and the recommendations set out in section 5 of the Bat Survey Addendum 2 report by Aspect Ecology. These are helpful in terms of clarifying impacts on bats known to be roosting on site and set out useful next steps for mitigation for the loss of the extant roost. However, the species in question is light intolerant, which reinforces our earlier comments on the need for dark corridors to be maintained across the site. We have not been able to find explicit reference to such corridors thus far so we recommend that you request clarification on locations and methods used to maintain these important pieces of site GI prior to determination. Should you be minded to grant permission it will be necessary to append conditions covering bespoke bat mitigation and site-wide lighting controls so as to safeguard commuting and foraging routes as well as the proposed bat house.

Beyond these points we do not have additional comments to make at this time and we refer you to our previous submissions for more detailed consideration of other elements of the application. In the meantime, I hope that these comments are of use to you. Please don't hesitate to contact us again if we can be of further assistance.

Best Wishes,



Steven Bloomfield

Senior Conservation Officer - Planning