

PLANNING APPLICATION REPRESENTATION

LITTLE MALVERN AND WELLAND PARISH COUNCIL - REPRESENTATION

Application Number	M/24/00902/FUL
Location Address	Land At (Os 7984 3962) Kingston Close Welland
Proposal	The erection of 39 dwellings with new access, open space, landscaping and associated works

Little Malvern and Welland Parish Council OBJECTS to the planning application on the grounds set out below.

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In response to the October 2023 ‘consultation’ by Stonebond Properties, the Parish Council had requested that a face-to-face meeting be convened at which all of these concerns, most of which were apparent in the scheme at that time, could be discussed. The Council felt that the gravity of these concerns merited a collaborative discussion with the architects of the scheme.

The Parish Council is still awaiting the opportunity to participate in such a meeting or discussion but no suitable arrangements have been proposed by Stonebond Properties.

1. Conflict with National Policy, Local Plan and Neighbourhood Plan

The Welland Neighbourhood Plan was Made on 9th April 2024 and is published in full with appendices and evidence base documentation on the Malvern Hills District Council Planning Policy website¹.

The applicant's planning statement refers on pages 8, 12 and 17, to the Welland Neighbourhood Plan and acknowledges it is part of the statutory plan for Welland, but thereafter it does not reference it again nor evaluate any of its development proposals against the Neighbourhood Plan's policies.

Page 19 of the applicant's planning statement declares that:

Malvern Hills District Council cannot currently demonstrate a four-year housing land supply (3.47 years). Consequently, paragraph 11(d) is engaged, and planning permission should be granted unless either of sub-paragraphs (i) or (ii) are relevant.

However, the document's conclusions regarding para 11(d) of the NPPF (on pages 19, 21, 30 and 33) only analyse the first sentence of this statement regarding housing land supply. The applicant provides no analysis or evidence to dismiss sub-paragraphs (i) or (ii) of para 11(d) of the NPPF.

The Parish Council considers that paragraph 11(d) sub-paragraphs (i) or (ii) are in fact relevant and therefore - contrary to the conclusions in the applicant's planning statement, the tilted balance and a presumption in favour of sustainable development do **not** apply to this proposal.

Specifically, the Parish Council considers that Para 11(d)(i) is relevant by dint of the Natural England licence on the site (para 187 of the NPPF also applying) and the areas of the site being designated as Local Green Space in the adopted Welland Neighbourhood Plan (Policy G1).

Also, the Parish Council considers that Para 11(d)(ii) is relevant given the conditions of Para 14 apply (more consideration of this is provided in Section 2 of this submission).

The South Worcestershire Development Plan is currently under examination. The plan includes an allocation for housing for 17 dwellings on the site of this application but that allocation has been challenged throughout the SWDPR process by little Malvern and Welland Parish Council which believes that the site is inappropriate and unsustainable. That challenge will be repeated when the Inspector comes to examination of housing allocations in the SWDPR plan. The detail of the challenge submitted thus far is included at Appendix 1. The questionable sustainability of the site forms an important part of that challenge and is further set out in Section 3 of this representation.

An indicative statement of housing need for the parish of Welland provided by Malvern Hills District Council was used as the basis for finalisation of the Welland Neighbourhood Plan. That indicative housing number was 25 dwellings up to 2041. The Welland Neighbourhood Plan includes provision for at least 25 new dwellings up to 2041 with an allocation of a site for 13 dwellings and an expectation of at least 12 further dwellings as windfall within the Welland neighbourhood area.

¹ <https://www.malvern hills.gov.uk/planning/planning-policy/neighbourhood-planning/welland-neighbourhood-plan>

Indications are that changes to central government-imposed housing supply targets may lead to an increase in the indicative housing number applied to Welland as a part of the provision within Malvern Hills District but the detail of these changes has not yet been decided upon or implemented.

In the event that an increase in the indicative housing requirement figure is applied to Welland, the Parish Council considers that this would be met by small site windfall developments (as described in Policy HLP of the Neighbourhood Plan). The housing need and expected delivery is analysed within Section 2 of this representation.

Section 3 of this representation sets out the multiple bases upon which the Parish Council considers that the proposed development site is unsustainable. In national and local planning policy here is no presumption in favour of unsustainable development so irrespective of any housing delivery pressures, this application should be refused because of the unsuitability of the site.

The preservation of open countryside and local green spaces are key strategic policy areas for both the SWDP and SWDPR, mirrored in the Welland Neighbourhood Plan. The Neighbourhood Plan establishes a clear and sustainable development boundary and thus defines the open countryside outwith that boundary. Both current and emerging local plans resolve to restrict development in open countryside and the Neighbourhood Plan reinforces the value of the designated Local Green Spaces that should not be compromised by unnecessary development. The proposed scheme does not comply with these policies. These aspects are set out in Sections 4 and 5 of this representation.

Unlike the South Worcestershire Development Plan Review which was necessarily rather broad brush in its assessment of local landscape and biodiversity considerations, the Welland Neighbourhood Plan considered those factors in great detail. This application gives scant regard to these vital rural elements of natural capital, is thus in clear conflict with adopted policy and will, if allowed, result in irretrievable harm. These matters are covered in detail in sections 6 and 7 of this representation.

Similarly, the SWDPR pronounces in general terms on the contribution of good design to the sustainability of developments but is silent on the detail related to particular communities and contexts. The Welland Neighbourhood Plan is informed by detailed local knowledge and careful consideration by planning, landscape and environmental professionals. The resulting Welland Design Guide and Code forms a part of the Welland Neighbourhood Plan policy framework.

The proposed application does not even acknowledge that guidance or the Neighbourhood Plan design policies and is thus in conflict with the Strategic Policies of the SWDP and SWDPR and the NPPF.

Section 8 of this representation sets out objections to the application concerning design.

Sections 9 and 10 look at matters not related directly to Local Plan policies but are concerns informed by the lived experience of local residents including those of the 200 new families who have moved to the village since the SWDP was adopted.

Section 11 deals with the detail of a fundamental sustainability flaw in the proposed scheme that relates to residential integration into the village community.

2. No Established Need

The most recent statement of housing requirement for the parish of Welland was used as the basis for finalising the Welland Neighbourhood Plan which was adopted on 9th April 2024. That indicative housing number was 25 dwellings up to 2041. The Welland Neighbourhood Plan through Policy HLS includes provision for at least 25 new dwellings up to 2041 with an allocation of a site for 13 dwellings and an expectation of at least 12 further dwellings as windfall within the Welland neighbourhood area, primarily within the development boundary.

The Neighbourhood Plan was also informed by an extensive Local Needs Assessment that was published as part of the evidence base as the Housing Evidence Paper². The evidence supported a need for affordable housing in the village that was in accord with the latest indicative housing number and supportive of the allocation of a site for 13 affordable dwellings. That allocation also accounted for the net demand of a wider area including neighbouring parishes.

The Plan also anticipates the delivery of at least 12 windfall homes over the next 16 years, most of which would be accommodated within the adopted development boundary. The history of delivery of windfalls on small sites was demonstrated in a Windfall Housing Delivery 2006 – 2022³ report as evidence of the capacity of the neighbourhood area to deliver in response to local need.

Uplifts due to emerging nationally imposed housing targets are likely to be experienced by Malvern Hills District as part of the South Worcestershire planning process but the nature of those uplifts and their influence, particularly on the distribution between urban, new urban and rural communities, is subject to progress of consultation on the national planning framework and the local plan examination and likely to remain undetermined for several months or years.

Untested indications from MHDC are that numbers being currently consulted upon would imply for the district a 65% increase in housing delivery rates to 2041 over and above those in the current SWDPR. It is unknown if that number would be spread proportionately across the MHDC settlements with current allocations or if settlements in, or partly in, the protected landscape for example might have such constraints taken into account. Even if Welland was expected to accommodate a proportionate share, a 65% increase would add 16 dwellings to Welland's indicative 25. The windfall delivery history report indicates that an additional one dwelling a year could be readily achieved from small windfall sites over that period.

The applicant has provided no evidence of housing need to justify its application. The planning statement refers to a "clear housing need in the local community (page 13) but

² [HOUSING EVIDENCE PAPER](#)

³ [WINDFALL DELIVERY](#)

then no data or supporting documents are provided to evidence this. The results of the consultation conducted by Stonebond Properties in October 2023 even contradict this claim. When 181 households in the village were asked “*Do you or anyone related to you want to live in Welland but can't afford to buy or rent a home?*” there were just ten responses, all of which disagreed or said that there was a “good mix” of affordable homes in Welland already.

The Parish Council considers that the proposal for 39 additional dwellings is excessive and unsupportable. There is no demonstrable, unmet need that is not provided for in the Welland Neighbourhood Plan, a Plan that, with its associated, comprehensive housing needs assessment, has been examined by an independent inspector, was overwhelmingly supported by the community and was adopted by Malvern Hills District Council on 9th April 2024 by a unanimous vote.

3. Unsustainable Location

A site approximating to the application site was submitted as CFS 0336 in response to the SWDPR call for sites. The submission identified the site area as 2.2 Ha and the original SHLAA translated that into an allocation SWDP NEW 99 Lawn Farm (Phase 3) with a capacity of 36 dwellings.

In response to representations from the Parish Council’s Neighbourhood Plan Group that allocation was reduced in area to 1.7 Ha and a capacity of 17 dwellings. The Parish Council maintained its objections to the allocation on the basis of landscape and biodiversity impacts but particularly because of the dreadful pedestrian and cycle access to the village amenities.

The Parish Council’s extensive communications and representations with MHDC Planning Policy Officers on the metrics of the site, its suitability and sustainability and the multiple constraints to development are attached in Appendix 1.

The Parish Council believes that this site should be struck out as an allocation in the SWDPR and, in its recently made Neighbourhood Plan, has provided for sufficient housing allocation to compensate for that loss.

As has become evident from the applicant’s submission, the topography of the area and the arrangements for foul and surface water management clearly mandate that development of this site will require the deployment of storage facilities and pumping infrastructure for both waste streams. That constraint was not recognised in the SWDPR SHLAA that led to allocation of the site as NEW 99 nor was it identified during their local site assessment by the Neighbourhood Plan Working Group as an additional negative feature. The capital cost of providing that infrastructure and the in-perpetuity cost of maintaining it add further factors weighing against the sustainability of the site, particularly as a location for a large 100% affordable scheme.

During the research for the Neighbourhood Plan the PC’s working group conducted a thorough and detailed analysis of all the submitted sites including CFS 0336 in order to identify the most appropriate and sustainable site for housing development.

The Conclusion of the Site Assessment and Selection report reads:

The Site Assessment conducted on 8 qualifying sites using the methodology and criteria set out in Locality guidance concludes that there are 2 sites worthy of consideration for allocation as housing development sites in the Welland Neighbourhood Plan. Those sites are designated CFS0323A Land North of Cornfield Close (LSCA Area 1B) and CFS 1059 The Lovells (western portion (LSCA Area 6A)) The subsequent Preference Rating site comparison, based on the criteria set out in the Neighbourhood Plan Objectives, concludes that the site preferred for allocation for a development of 14 dwellings is that part of the Land North of Cornfield Close CFS0323 identified in the LSCA as Area 1B.

Welland Neighbourhood Plan Group - November 2022

The summary of findings recorded against this site - CFS 0336 was:

Prominent in the setting of the AONB

Unacceptably distant from village facilities by foot.

Adjacent to recently built-up area.

Remote from the current development boundary. Adjacent to the proposed development boundary.

Landscape sensitivity = High. Landscape capacity = Very Low to Low

Development will result in significant landscape and visual amenity harm to a highly sensitive area in the setting of the AONB as set out in LSCA at 5.5.3. and would represent a significant urban extension in a visually prominent location.

There is highly valued amenity afforded by the public rights of way that cross the site and the nearby nationally designated footpath.

Uncertainty over the availability of vehicle access to the site.

Uncertainty over the potential for removal of and offsite mitigation related to the Natural England Licence. If the licence is not amended, the site is not developable.

Uncertainty over site viability.

All of these matters impact on sustainability but the distance on foot to and from the village is seen to be a major constraint, being inconsistent with social, environmental and economic sustainability considerations for our community. While there are public rights of way in the vicinity, due to ground conditions they are impassable for large parts of the year and are unsuitable for sustainable family travel. Unless there is substantial investment in land purchase and footway/cycle path engineering they will remain unsuitable but these matters are not acknowledged by the applicant who claims that the travel distances are acceptable. There has clearly been no local input to these proposals. The walking distance from the proposed development access to the village school on paved walkways is 1.18 Km.

The Parish Council, informed by consultation with the existing residents of Kingston Close who are already impacted by this accessibility barrier, consider that this site is not sustainable from a community residents' perspective. It will be another remote, isolated, cul-de-sac development with no potential for sustainable travel, trapped into reliance on the motor car.

4. Development in Open Countryside

The site is adjacent to but outside the adopted Development Boundary for the settlement of Welland and is thus, by definition, in the open countryside for the purposes of the Strategic Policies SWDP 2C and SWDPR 3C and Policy DB1 of the Welland Neighbourhood Plan.

Policy DB1 says: “Land beyond the Welland Development Boundary, with the exception of the allocation at policy H4 and any strategic allocation, is considered to be within the open countryside where development proposals will be assessed against relevant local and national policies and any relevant policies within the Plan.”

The proposed scheme does not align with any of the exceptions that would be considered as justifying development in the open countryside under these strategic policies and should be refused.

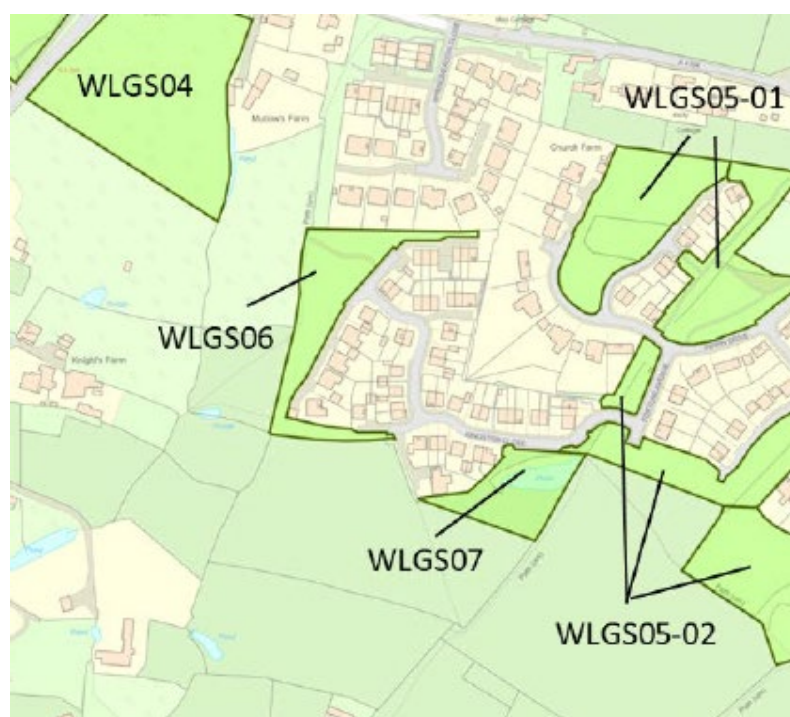
5. Conflict with Local Green Space

The proposed scheme as illustrated by the site layout 04a Block Plan, impinges on land that is designated in the Neighbourhood Plan as Local Green Space, a designation that requires that spaces that are valued for their wildlife, historic significance and/or beauty will be protected from unnecessary development consistent with national policy relating to Green Belt.

The conflict is evident from a comparison of the Block Plan illustrated below:



With the abstract from Fig 5.2 of the Neighbourhood Plan which identifies the location of Welland Local Green Spaces WLGS06 and WLGS07



The detailed evidence supporting the designation of the Local Green Spaces including WLGS06 and WLGS07 is set out in the Local Green Space Report (March 2023)⁴ available in the Neighbourhood Plan evidence base on the MHDC website.

It is noted that the applicant makes no reference to these important site constraints although they are evident in the Neighbourhood Plan and, in the case of the factors bearing on the designation of WLGS 07, they were set out in the Parish Council objection to the SWDPR site allocation and have been commented on by the applicant's agent.

The proposed scheme would compromise designated Local Green Spaces WLGS06 and WLGS07 and should be refused.

⁴ [LOCAL GREEN SPACE REPORT](#)

6. Adverse Landscape Impact

The site of the proposed scheme occupies a prominent position on raised ground less than 200 metres from the boundary of the Malvern Hills National Landscape to the south. The site is clearly visible from the ridge of the Malvern Hills and the designated national monument of the British Camp hill fort to the west. This is clearly and firmly in the setting of the MHNL where NPPF 182 specifies that: “development should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

As part of the evidence base for the Neighbourhood Plan site appraisals a number of Landscape Sensitivity and Capacity Appraisals were conducted for the working group by Carly Tinkler, a local Chartered Landscape Architect, the most recent in 2022⁵ which looked at those sites most likely to be candidates for development proposals. The Appraisal included CFS 0336, SWDPR Allocation NEW 99 which Ms Tinkler designated as Area 2. The conclusion of the 2022 LSCA is set out here in full, concluding that the capacity for development of the site should be designated as Very Low to Low. This capacity designation is not compatible with a proposal for 39 dwellings at the proposed density and with the proposed design features. Contrary to national policy, the proposed location is insensitive to the delicate landscape context and the design would impact adversely on the protected landscape.

⁵ [LSCA 2022](#)

5.5 Area 2 conclusions

- 5.5.1 The 2015 LSCA categorised the level of capacity of the Area (which was part of larger LSCA Parcel 13), as Low. This was mainly due to the fact that at the time, the Area lay in relatively tranquil rural open countryside, some distance from the settlement.
- 5.5.2 When the 2019 LSCA was carried out, the baseline situation had changed significantly, with the creation of the new urban extension at Lawn Farm to the north. The 2019 assessment concluded, and the 2022 LSCA confirms, that if the Area was developed, levels of adverse effects on landscape character, visual and social amenity would be unacceptably high. This is because the settlement has expanded so much in recent years that the landscapes which surround it, and which form its context and setting, are even more valuable than they were before; now, the functions they perform and contributions they make to character, views and access to nature are more important.
- 5.5.3 Development on the Area would increase the levels of adverse effects currently experienced from nationally-important viewpoints on the Malvern Hills, and locally-important views towards the Malvern Hills from the once-rural outskirts of the village.
- 5.5.4 The 2019 LSCA concluded that there would also be adverse effects on biodiversity, mainly due to the ongoing erosion and loss of SSSIs and locally-important habitats (including as the unimproved pastures east of Area 2) as a result of increased use; according to local landowners / farmers, dog-fouling is a major problem, and when dogs run loose they worry / kill sheep.
- 5.5.5 The 2019 LSCA concluded that Area 2's level of capacity should remain Low.
- 5.5.6 However, crucially, at that time, it was not realised that the Landscape and Ecological Management and Maintenance Plan and the Natural England Great Crested Newt licence relating to the Lawn Farm Phases I and II developments required the whole of Area 2 to be managed as a habitat for great crested newts and other fauna, in perpetuity as compensation

Carly Tinkler BA CMLI FRSA MIALE

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for the loss of habitat which resulted. This was recently confirmed by the lead adviser of Natural England's Wildlife Licensing Service (NEWLS); see also section 3.13.2 of the *Landscape and Ecological Management and Maintenance Plan (LEMP)*, Rev C (dated June 2015), which was submitted with the application.

- 5.5.7 As well as levels of ecological value, this increases levels of both landscape value and landscape susceptibility to change.
- 5.5.8 For the above reasons, the 2022 LSCA concludes that Area 2's level of capacity should be reduced from Low to **Very Low to Low**.

The area is blessed with a number of public rights of way which are used by many of the residents of the nearby 200 houses as a recreational amenity. Several of the paths skirt the proposed development site while one crosses it and would require diversion. In landscape terms, users of PRWs are particularly sensitive receptors and feedback from residents confirms that this amenity is highly valued. 39 densely packed houses will seriously erode that amenity.

The proposed scheme will have a significant adverse impact on the rural landscape that is demonstrably valued by residents and visitors. It is in direct conflict with Policy LC1 of the Neighbourhood Plan which says:

Policy LC1: Landscape Character and Visual impact

Developments along with any associated infrastructure, including their accompanying landscaping schemes, must conserve and enhance the special qualities of the area's landscape and scenic beauty and be consistent with its landscape character and visual amenity through meeting all of the following requirements:

1. Provide measures that conserve and enhance the intrinsic landscape character and natural beauty of the area,
2. Avoid adverse impacts on the designated landscapes through sensitive design and location of development, and
3. Take into account local character and development patterns including immediately adjacent to the site.

This should be demonstrated through the submission of evidence, proportionate to the type and scale of development proposed and the site's location, to demonstrate they conserve and enhance the special qualities of the Neighbourhood Area taking account of:

- i. Visual assessments of the sensitivity and capacity of a site for development which should be independent of vegetation mitigation measures, on the basis that views of development may not be screened by vegetation in future.
- ii. A consideration of cumulative effects and matters such as coalescence arising from existing and planned future development, and
- iii. Demonstration of regard for the Malvern Hills AONB Management Plan and the Welland Parish Council's Landscape Assessment Reports .

Development proposals which would create unacceptable adverse effects that cannot be mitigated to an acceptable degree when compared to the baseline condition will not be supported.

7. Adverse Biodiversity Impact

The applicant fails to properly address the requirement to demonstrate a net biodiversity gain arising from the proposed scheme.

The Ecological Appraisal Report makes no reference to the protected status of the Local Green Spaces within the site nor to the Natural England Licence that covers the whole of the site. These factors relate to habitat protection measures that are expected to endure in perpetuity and have been overlooked or disregarded by the authors.

The Report at 4.3 references the Malvern hill (sic) designated as a National Landscape (AONB) based only its geology and historic value and claiming it will not be impacted by the proposed development. Nature Conservation is a fundamental part of the purpose of the National Landscape designation and should not be dismissed as insignificant.

The Report erroneously states at 4.6: *“it is unlikely that the designated sites will be affected by additional foot traffic as no PRoW is present within them.”* The PRoW that connects Kingston Close to Drake Street passes through Mutlows Orchard SSSI. In this respect too, the Report is clearly wrong!

Additionally, the Report is heavily redacted in sections covering fauna. It is not clear that the authors of the report are party to those redactions and its validity is thus questionable.

The spreadsheet of the biodiversity metric calculation tool appears to contain a number of input errors and is therefore questionable but the Report also states at 34.: *“Overall, the proposed development does not have the capacity to result in an on-site biodiversity net-gain in terms of habitats. The development shall therefore seek to provide compensation through a financial contribution, or third part biobank provider, to be secured through planning obligations such as a S106 or through an appropriately worded condition”*

The planning statement suggests that the Ecological Appraisal Report contains relevant evidence, but it is evident from the errors and omissions in that document that this suggestion is questionable. Nevertheless, there is no practical demonstration of how off-site gains would be delivered close to the proposed scheme.

The Parish Council considers that application should therefore be refused as breaching Policy B1 of the Neighbourhood Plan which says:

Policy B1: Local Biodiversity net gain

To be supported, all new residential and non-residential development will deliver a net gain in local biodiversity. Applicants will need to provide a proportionate and current assessment of the type and condition of habitats and species found on the site pre-development and demonstrate how the development will secure and maintain the improvements to biodiversity. This should have regard to relevant Malvern Hills AONB Guidance, including its Management Plan and Nature Recovery Plan.

Net gains in biodiversity should be through on-site measures, the details of which need to be agreed with the Local Planning Authority. Off-site net gain measures will only be acceptable as a last resort and where on-site mitigation is demonstrated not to be possible. Applicants will be required to demonstrate that off-site gains will be brought forward in a timely manner at a scale and within reasonable proximity to the proposed development.

As was highlighted in Carly Tinkler's 2022 conclusion at 5.5.6 (see Section 6 above) the whole of this site is subject to a biodiversity constraint arising from its use as offsite compensation for habitat loss on the first two phases of the Lawn Farm development. A major element of that compensation was the adoption of the Landscape and Ecological Management and Maintenance Plan submitted with the Phase II planning application that required this field to be managed as tussocky grassland in perpetuity. Furthermore, the Natural England GCN licence for that development was predicated on the creation of protected habitat across the whole area that coincides with Welland Local Green Space WLGS 07. These matters are addressed in Appendix 1 which includes the Natural England licence.

The applicant states in the Design and Access Statement the intention to remove vegetation from and build over a part of that designated LGS WLGS 07 thereby destroying highly valued habitat.

The plans and documents published with the application provide evidence there will be no on-site biodiversity gain while the Ecological Appraisal Report concludes that that there will be significant and irreversible on-site biodiversity loss arising from the development. And that is before factoring in the damage to the local flora and fauna, including local farm animals, inflicted by the household pets from 39 households.

The applicant's assessment of biodiversity impact is flawed and incomplete, fails to demonstrate a valid means of securing local biodiversity gain, ignores the critical nature of the designated habitat in WLGS07 and proposes destruction of that valued natural capital. The application should be refused.

8. Inappropriate Design

The applicant makes no reference to the Welland Design Guide and Code that is a key component of the recently adopted Neighbourhood Plan. Policy D1 states:

Policy D1: Design

Proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of the Welland Neighbourhood Area. To be supported development proposals must demonstrate that they achieve high quality, sustainable and inclusive design which fully integrates into the village and parish by taking account of the Welland Design Guide and Code at Appendix 5.1 and the Malvern Hills AONB Management Plan. Proposals need to address the following design principles and guidance:

1. Richness and variety of materials and details
2. Response to the landscape context and views to and from the AONB
3. Enhancing connectivity throughout the village and to future development
4. Knitting into the village's fabric which should also include a consideration of the character, design and development patterns immediately around the site
5. Boundary treatments

Modern design approaches which take an innovative approach, including energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.

The appendices are accessible on the MHDC website by following this footnote⁶.

Section 04 of the Design Guide sets out the General Design Principles and Guidance to be followed. The flaws in the design of the proposed scheme suggest that no account has been taken of the Welland Design Guide.

The most significant flaws are:

Density

Section 04-8 of the Welland Design Guide sets out the expectation that, to meet the requirements of NPPF 135 c. (*Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*), the density of new residential developments should not exceed 20 dwellings per hectare. The chart in Section 04-8 illustrates the density of housing developments in Welland that is a key element of local character.

The applicants Design and Access Statement 4.2 Density and Housing Mix states that the proposal equates to a density of 42.39 dwellings per hectare net which, it claims, responds to its location and context. That document refers to the South Worcestershire Design Guide SPD but evidently ignores the Welland Design Guide to which, according to NPPF 131 – 139, should be afforded substantial weight in decision making. NPPF 139

⁶ [WNP APPENDICES INCLUDING DESIGN GUIDE](#)

says: “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”

At a designed density of 42.39 dph (or the correctly calculated 39 dph) the proposal exceeds the density of all housing developments in Welland over the past 100 years including those at Kingston Close and St James Close where requirements for 40% GI were set aside. This scheme is not a reflection of the grain of development in the village.

The excessive density is made more serious given the locational landscape context of the proposed scheme. This is a proposal in highly valued open countryside, in the setting of the Malvern Hills National Landscape which is less than 200 metres away and in a visually prominent location where, if development were to be allowed, it would be expected to be designed to soften the transition from built form to open landscape.

Albeit the NEW 99 site allocation in the SWDPR will be challenged, that desk based study acknowledged the sensible density constraints on the site and proposes only 17 dwellings on the 1.7 Ha site.

The scheme is not consistent with well-established policy or with good practice and should be refused.

Building Layouts

Associated with the disregard of guidance on density the scheme also fails to follow the guidance in the Welland Design Guide 04.4 Knitting into the Village’s Fabric in relation to layouts which says:

“Wherever possible long rows (5+) of terraced dwellings should be avoided as it does not reflect the character of the existing urban grain of the village”

The Site Layout shows a straight row of 10 dwellings (albeit divided by three narrow passages) facing directly to open countryside including the nearby Malvern Hills National Landscape. This is evidence of a disregard for the local design guide and the recently made Neighbourhood Plan.

That disregard is in conflict with the requirements of the NPPF sections 131 – 139.

Building Heights

Similarly, the Welland Design Guide 04.4 Knitting into the Village’s Fabric says:

“Developments should not go beyond 2 storeys in height”

The scheme as presented in this application sets out that a number of the dwellings (4 in total. See Drg no. 23730-301 A4 4bed) are to be 2¹/₂ storeys. Evidence of another disregard of the local design guide and the recently made Neighbourhood Plan. That disregard is in conflict with the requirements of the NPPF sections 131 – 139.

Materials and Forms

Section 04.2 of the Welland Design Guide provides guidance on Response to the Landscape Context guidance designed to minimise adverse landscape impacts in this sensitive area in the setting of a designated National Landscape. The guidance includes the factors that should influence the choice of materials and highlights the Welland specific colour pallet designed and published by the Malvern Hills National Landscape partnership.

The applicant's Design and Access Statement in its description of the design evolution of the site and, of particular note, in section 4.5 Design – Appearance, makes no reference to the Welland Neighbourhood Plan Policy D1, to the Welland Design Guide, or to the Malvern Hills National Landscape Management Plan Policy BDP2 in contravention of NPPF 131 – 139.

9. Inadequate Vehicle Access

The proposed access to the site for 39 dwellings is from the Pippin Drive junction with the A4104 Drake Street along Pippin Drive, Fortune Avenue and Kingston Close. While the standard of the roadway and footways as designed may be compliant with WCC Highway Standards for the cumulative residential density, the real-life conditions experienced by current residents presents a very different picture and, consequentially, a high expectation for loss of amenity for future residents.

First, the roadway along Fortune Avenue and Kingston Close is not adopted because it is not constructed to the WCC Highways standard. While it remains non-compliant with the construction standard it cannot be considered to be fit for the density of traffic movements specified in the design standard and its suitability as a vehicular access is therefore questionable for an undefined period into the future.

Second, the roadway through Kingston Close is subject to random but legitimate parking on the carriageway resulting from the insufficient provision of parking places for the 50 house Kingston Close development. It was built to urban parking place standards, standards designed to discourage vehicle ownership. Applying those standards in an area with minimal public transport facilities and minimal community amenities is a folly that should not be repeated but it is done and the resulting parking creates congestion which substantially reduces the carrying capacity of the roadway. This is a frequently lived experience for the residents of Kingston Close whose lives will be severely impacted by the addition of traffic from 39 new dwellings and made practically intolerable during construction when access to HGV traffic will be impeded and the amenity of current residents will be severely compromised.

10. Inadequate Local Services and Amenities

Welland is designated as a Category 1 settlement in the South Worcestershire hierarchy and indeed it did scrape across the line in the 2018 Village Facilities and Rural Transport Survey with a village stores and post office, a primary school, a parish hall, and some employment prospects.

Whether it would qualify in an up to date, more enlightened appraisal is questionable. Like many other rural communities the useful public transport links have been reduced almost to zero although local secondary schools are adequately served, at least as far as the core timetable is concerned. Most residents travel by car to medical facilities, recreation, entertainment, shopping and other services and to work. The primary school is now at its physical capacity so additional school demands can only be served by more pupils attending out of catchment places while traditional employment prospects (the school, preschool, nursing home) are topped out and other significant employers in the parish have closed.

Residents of Welland, particularly those in employment or further education and those with young families, are heavily dependent on the motor car. That experience has been particularly painful for many of the families who have occupied the 70 or so affordable houses built in the village in the past 7 years. The pain is manifest in inconvenience and isolation from essential amenities or in the cost of the flexible, independent transport needed to overcome that isolation.

Many of the representations objecting to this application will refer to these concerns, concerns arising directly from residents' experience.

11. No Sustainable Pedestrian Access to amenities

As set out in Section 3 of this paper, the existing Public Rights of Way network does not, contrary to the applicants claims, provide year-round, usable pedestrian access from the proposed scheme site to the village amenities. The alternative, usable route is via paved footways over a distance of more than 1km.

The applicant offers to provide funding for the improvement of those footpaths as an enabler for the scheme but it is not funding that represents the constraint.

The Parish Council is currently engaged in a project for improving pedestrian access, including from Kingston Close to the village but that part of the project is unable to deliver a sustainably accessible route because the PRW passes through a Site of Special Scientific Interest which imposes significant constraints, and because other landowners have withheld consent to divert the path to a much more usable route.

The offer of funding is therefore immaterial to the fundamental constraint that there is no sustainable pedestrian access to amenities from the proposed development.

Little Malvern and Welland Parish Council

16th September 2024

APPENDIX 1

Little Malvern and Welland Parish Council representations to Malvern Hills District Council regarding the Housing Development Allocation for Welland in the South Worcestershire Development Plan Review. Representations contained in a letter to David Clarke, Planning Officer dated 21 May 2021.



Brookend Ridge
Drake Street
Welland
MALVERN
WR13 6LN

21 May 2021

**Malvern Hills District Council
The Council House
Avenue Road
Malvern
Worcestershire
WR14 3AF**

FOA David Clarke Planning Officer

Dear Mr Clarke

Welland Neighbourhood Plan and SWDPR Housing Allocation.

Further to our recent conversation I attach a report from the Welland Neighbourhood Plan Working Group setting out some concerns with the housing allocation currently in the SWDPR.

I look forward to hearing from you. Should you have any queries please do not hesitate to contact me or our consultant, Peter Hamilton.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mick Davies", is written over a faint, light blue circular watermark.

Mick Davies, Chair of the WNPG

Mickd Davies2015@gmail.com

01684 592216

By email

Attachments: -

2021 05 21 CFS 0336 LAWN FARM III CONSTRAINTS AND CAPACITY

Welland Neighbourhood Plan

Housing Site Constraints and Capacity – CFS 0336 Lawn Farm III – NEW 99

Background

The South Worcestershire Development Plan Review Preferred Options Consultation publications shows two allocations for the settlement of Welland: -

SWDPR 55: Malvern Hills Allocations Housing / Mixed Use Sites

Table 29: SWDP Housing Reallocations

SWDP REALLOCATE 64 Land adjacent to the former Pheasant Inn

Table 26: New Proposed Housing Allocations - Category 1 Settlements

SWDP NEW 99 **Lawn Farm (Phase 3) Indicative Housing Number 36**
Site Area ha. 2.02 Planning Ref. CFS0336

The concern is with SWDP NEW 99.

The Parish Council responded¹ to the Preferred Options consultation, highlighting the excessive numbers indicated by NEW 99 and anticipating that the Welland Neighbourhood Plan Group (WNPG) would conduct a locally informed assessment to identify the allocation of one or more sustainable sites. Many residents also objected to the NEW 99 site, raising as a concern its remoteness from village facilities.

The Parish Council's WNPG has concluded its site assessment and has identified specific concerns with the stated capacity of NEW 99 as assessed by the SHELAA process. Additionally, it has identified that under the terms of a Natural England protected species licence, habitat mitigation measures apply to the whole of the site and this critical constraint was not identified in the SHELAA process.

The Parish Council, in its letter of 22 December 2020² to the South Worcestershire Councils set out its preferences for housing allocation sites including the removal of NEW 99 as an allocation, supporting that position with several factors including an assessment of the capacity of NEW 99. Those preferences may not be sustainable in the light of policy constraints on other sites but if NEW 99 is to be allocated in any plan, it must be included at a capacity that is consistent with reality and that is consistent with its context, its future sustainability and the future amenity of residents, neighbours and visitors.

The details of the protected habitat constraint and the factors influencing the real housing capacity of site NEW 99 – Lawn Farm III are set out below.

¹ Appendix 1 Little Malvern and Welland Parish Council Preferred Options Representation

² Appendix 2 Little Malvern and Welland Parish Council letter to SWC 22 Dec 2020

Summary

In researching the constraints imposed by the Natural England Licence and the associated Landscape and Ecology Management Plan it has become apparent that the grassland across the whole of NEW 99 is to be managed as open habitat to compensate for the 3.8ha habitat loss resulting from the adjacent developments. This constraint would appear to disqualify the whole site from consideration as a housing allocation. Details of the origins of the constraint are provided in Appendix 3.

The capacity difference arises from three factors. First, the gross area of the site registered in the SHELAA is incorrect; second, the site includes a protected habitat that reduces the net area and third, the building density must be moderated to reflect local conditions and constraints. If it is considered appropriate to allocate the site, the Indicative Housing Number for the site should be a maximum of 17 dwellings, not the 36 indicated in the Preferred Options table.

The Parish Council's WNPG has commissioned a design study to respond to its concerns about the capacity of this site with an expectation that it should be limited to a maximum of 17 dwellings.

NEW 99 WHOLE SITE CONSTRAINT

On Pages 7 & 8 of the Natural England Licence (Appendix 3) Fig E3.1 (Map to show all habitat creation, restoration and enhancement measures) and F1 (Map to show final layout of development and mitigation measures) show the area that coincides with NEW 99 to be designated as Tussock grassland (1.2ha), Woodland Planting (0.2ha) plus Pond 1 and its margins. The map also identifies the development footprint and habitat loss (3.9ha) for which the Tussock grassland and Woodland Planting is provided as compensation.

Development of NEW 99 would result in the loss of that tussock grass compensating habitat and the landowner has available no other nearby holding to provide further offsetting.

The comment in the SHELAA record “biodiversity values on site- more information required” suggests that it is probable that this constraint was not fully identified in the process that resulted in the site’s allocation in the SWDPR Preferred Options but it is a material consideration that should not be overlooked. The WNPGroup will be revisiting its site assessment report in the light of this matter.

NEW 99 CAPACITY – Gross Site Area

The SHELAA submission (CFS 0336) identifies the site, defined by the field boundaries and states that the gross area is 2.02ha



The gross area of this site as submitted is not 2.02ha but is rather 1.72ha. This metric can be confirmed through GIS software.

NEW 99 CAPACITY – Net Site Area

0.3ha of the site to the north west corner is designated as a protected wildlife habitat - pond and woodland – with the remainder of the site given over to tussock grassland as part of the protected species licensing invoked as a condition of the approval for development of Kingston Close (Lawn Farm II) in 2019 following the development of Lawn Farm I) in 2017. The Licence and habitat Management work compiled all the protected species and landscape considerations for both developments into one report. Details of the licence and habitat management plan are attached.³ The landowner, in an email to the Parish Council dated 10 May 2021, acknowledges that “We allowed Bovis to plant trees so they could fulfil their planning obligations.”



PRW's in red

The area surrounding and to the south of the pond is coloured mid green on the map above. It measures 0.3ha. The potential developable area on the site, if the tussock grassland is not considered necessary as part of the habitat mitigation for Lawn Farm I and II, is therefore reduced to $1.72 - 0.3 = 1.42\text{ha}$

This 0.3ha area is designated in the draft Neighbourhood Plan as one of seven Local Green Spaces. WLGS07 Natural England Ecology Zone abstract from the Local Green Space report⁴.

WLGS 07 Criteria and Case for Designation as Local Green Space

7.1 The site is in reasonable proximity to the community it serves

The Natural England Ecology Zone – a protected ecology zone for the great crested newt (GCN) - is next to the St James Green housing development immediately south east of the second phase. The GCN Ecology zone was a statutory requirement of Natural England at the planning stage when granting a license for the protection of GCN, a condition of planning approval.

There is a public right of way footpath close by.

³ Appendix 3 NE Licence 2015-7820-EPS-MIT-1 and habitat Management Plan

⁴ Local Green Space Report

<http://www.wellandparishcouncil.org.uk/sites/default/files/uploads/2021%2004%2015%20LGS%20REPORT%20DRAFT%20WEBSITE.pdf>

7.2 The site is local in character and is not an extensive tract of land

The site sits within undulating agricultural land characterised by small fields and mature hedgerows and mature trees. The ecological requirements for the site include a 0.2 hectares woodland, eight hibernacula and numerous wildlife refuges. The woodland planting took place in March 2020.

The Natural England License, issued to Bovis plc in January 2017, and the associated Landscape and Ecological Management Plan provided the detailed requirements for the site. Note: The license, together with the MHDC approved document 'Guide to the Management of Landscape and Ecology Areas of Welland, Phase 2, ref Nov 16 rev C' provides the strict land maintenance schedule for the protection and development of the GCN ecology zone.

This proposed Local Green space is of approximately 0.25ha.

7.3 This site is demonstrably special and of significance to the local community

The site is extremely significant ecologically and an important site to protect.

The importance of this habitat must be considered alongside the St James Green proposed Local Green Space's ecologically and wildlife corridors. Together, they create the 'new' habitat and wildlife corridors required to mitigate the impacts arising from the loss of habitat with the recent change in land use. A Landscape and Ecological Management Plan is in place.

The site has hibernacula and refuges for the GCN around a dedicated breeding pond that has been dredged and recreated with specific aquatic plantings for the GCN. In addition, the pond has been given the protection of buffer zone planting on the land immediately surrounding the pond together with a newly planted woodland.

On the basis that the GCN pond and buffer zone contributed, as off-site mitigation, towards the Green Infrastructure for the Lawn Farm Phase II (Kingston Close) development it should not be included as part of the GI policy requirement for the proposed Lawn Farm Phase III site. Our measurements conclude that the gross site area should be 1.42ha. With a 40% GI deduction this provides a net developable area of 0.85ha. With a density of 20dph this area supports a housing figure of 17 dwellings.

NEW 99 CAPACITY – Density

The SHELAA assessment computed the Indicative Housing Number based on a standard applied to all rural site developments irrespective of location and context.

In its draft Site Assessment Report the WNPG reviewed the local context and concluded that 30 dwellings per net hectare was excessive, that with the diminishing presence of public transport and in locations remote from facilities more intense car ownership demanded reduced density if only to accommodate parking. In areas where landscape impact is a concern the softening of the transition from built form to open country is vital and is only achievable with reducing density and space for trees and vegetation. The reports says: -

Local Housing Density

The Table below sets out the larger scale developments in Welland over the past 50 years. The developments are listed in chronological order.

Site	Gross Areaaha	Number	Density Dwellings/Ha
The Avenue	4.03	105	26.0
Welland Gardens	2.31	45	19.5
Giffard Drive	5.15	115	22.3
Lime Grove	0.68	7	10.2
Merryfields	0.48	6	12.5
Orchard Close	0.53	4	7.6
Lawn Farm I	9.20	50	5.5
Spring Meadows	1.60	30	18.7
Cornfield Close I	1.30	24	18.5
Lawn Farm II	2.10	50	23.8
Lawn Farm I + II	11.3	100	8.85
St James Close	0.51	14	27.4
Cornfield Close II	0.99	14	14.0

St James Close was an allocation in the SWDP for up to 10 houses at a gross density of 19.6 dph. The reserved matters planning permission was granted in 2019; as a brownfield site it was not subject to the 20% GI specified in SWDP 5/

Relevant local context is provided by the approval, granted on appeal, of the Lawn Farm 1 (12/01087/OUT) development where landscape and views from the hills were a principal consideration. That development has single storey dwellings at the boundary with the countryside and was built at a density of 5.5dph gross.

Lawn Farm II was approved under the Green Infrastructure Policy SWDP 5 but the developer successfully argued that the GI provided in Lawn Farm I provided sufficient mitigation for the under provision on the second phase. The combined gross area and density for both sites together is 11.3ha, 100 dwellings, 8.85 gross dph.

The recently permissioned Cornfield Close II site was approved after lengthy negotiations over the site area, density and impact on the AONB landscape. The approved development includes 20% GI and the resulting gross density is 14 dph.

The larger allocation proposed by the report is the Cornfield Close III (CFS 0323) site at 1.4Ha with a density of 20 dph net reflecting its location in the AONB

Site NEW 99 is visually prominent, standing on high ground at the southern edge of the village just 130 metres from a SSSI in the AONB, is crossed and skirted by several Public Rights of Way and is clearly visible from the chain of the Malvern Hills and from Castlemorton Common. Were it to be developed, a lower density of 20dph net would be consistent with local conditions and would be sensitive to local factors.

The Parish Council's WNPG has commissioned a design study to qualify its concerns about the capacity of this site with an expectation that, if it is to be included as an allocation, it should be limited to a maximum of 17 dwellings.

Little Malvern and Welland Parish Council Neighbourhood Plan Group.

2021 05 21

Appendix 1 Little Malvern and Welland Parish Council Preferred Options Representation

Little Malvern and Welland Parish Council considers the numbers of SWDP NEW 99 are excessive. The methodology for calculating indicative housing requirements for designated Neighbourhood Areas was approved by MHDC in 2019 and that indicates 21 dwellings would be sufficient to 2041. Welland Parish will have delivered 191 new dwellings between 2011-202. The settlement has grown by more than 60% in less than 5 years. Inspector in 2013 said the village could accommodate 100 more dwellings. We are almost now at double that while key facilities have not expanded and transport declined. Welland has made a sufficient contribution to housing supply and a more modest growth rate would be appropriate. The Neighbourhood Plan will contemplate approximately 21 allocated dwellings and a number of windfall sites to 2041. 15 Welland sites were submitted for CFS process with most discounted on technical and policy reason. The Welland NP group will conduct site appraisals of the remaining sites with specific local knowledge and details landscape appraisal meaning the NP may be at odds with the Preferred Options. The Parish Council proposes the Preferred Options sites are held over, pending conclusion of NP so co-operation between it and the SWDPR leads to a sustainable local plan.

Appendix 2 Little Malvern and Welland Parish Council letter to SWC 22 Dec 2020

22 December 2020
 Malvern Hills District Council
 The Council House
 Avenue Road
 Malvern
 Worcestershire
 WR14 3AF

FOA David Clarke Planning Officer

Dear Mr Clarke

Welland Neighbourhood Development Plan (WNDP) and SWDPR (Preferred Options)

I refer to our recent discussions regarding the draft WNDP and in particular the proposed housing allocations within it. As I mentioned a Site Assessment exercise (see attached) has been carried out by a sub-group of the Welland Neighbourhood Plan Group (WNPNG), which includes input from a 'Landscape Sensitivity & Capacity Assessment - Review of Selected Sites' (LSCA) study (also attached) undertaken by a qualified landscape architect. The LSCA along with detailed local knowledge, is considered to inform the WNPNG's Site Assessment with a more refined level of analysis than that carried out in the SWDPR's SHLEEA Site Assessment.

The WNPNG's Site Assessment concludes there are two sites that are considered more appropriate than that which is currently proposed within the SWDPR Preferred Options [SWDPRPO] (SWDP NEW 99: Lawn Farm (Phase 3), Drake Street, with an indicative housing figure of 36 dwellings) to be allocated for residential development. These sites are (references taken from the SWDPR Call for Sites exercise): part of CFS0323 - Rear of Cornfield Close with an indicative housing figure of 19 dwellings and CFS1059: Church Farm House with an indicative housing figure of 5 dwellings. As such, the WNPNG is formally requesting that the SWDP NEW 99 proposed allocation is replaced by the above sites CFS0323 and CFS1059 within the next draft of the SWDPR.

According to Planning Practice Guidance (PPG), a neighbourhood plan can propose allocating alternative sites to those in a local plan (or spatial development strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate (Paragraph: 044 Reference ID: 41-044-20190509).

It is considered that the substituted sites are non-strategic in nature. They are 1.4ha gross (CFS0323) and 0.32ha gross (CFS1059) and therefore relatively small in size. They have also been identified through the neighbourhood plan process. In terms of why the WNPNG considers the allocation set out in the SWDPRPO is no longer appropriate is as follows:

- The site is located an extensive distance, between 1.08 and 1.2km, for pedestrians to access the core facilities within the Village (school, post office and shop, village hall, Welland Park and Spitalfields) which will lead to an excessive reliance on vehicle generated trips
- The site is considered to have 'low' capacity for development in terms of impact on landscape. The LSCA 'concluded that if the Area was developed, levels of adverse effects on landscape character, visual and social amenity would be unacceptably high. This is because the settlement has expanded so much in recent years that the landscapes which surround it, and which

ensure that they comply with planning permissions and other consents as necessary.

- b. The "[Great Crested Newt Mitigation Guidelines](#)" is available from the Natural England website. More general advice is given in the "[Great Crested Newt Conservation Handbook](#)", available from www.froglife.org.
- c. "[Amphibian Disease Precautions – a guide for UK fieldworkers](#)" (ARG-UK Advice Note 4) is available from www.arg-uk.org.uk.
- d. You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.
- e. Post development monitoring report form (WML-LR-GCNANN) can be used for reporting purposes and sent to the above address at the each report interval.
- f. Any significant changes to a master plan should be agreed with Natural England in advance.

Wildlife Adviser signature

Information withheld
under Data Protection
Act 1998

Date 05/01/2017

Name

Matt Gill

Figure references:

Those marked with an ‘*’ are mandatory for each licence, and those marked ‘*’ are applicable to specific licences only).** Special Condition 3 of this licence annex details which Figures form part of this licence and its conditions: they must be complied with. Figures are not sent back out to the Licensee or Named Ecologist when the licence is granted as dated and referenced copies are already held by those persons.

B1.8** – Project wide master plan (mandatory for phased and multi-plot licences).

D* – Impacts: habitat damage and/or destruction.

E2* – Receptor site location in relation to development site.

E3.1* – habitat creation, restoration and enhancement measures.

E3.3** – Diagram to show mitigation connectivity measures (e.g. underpasses).

E4a* – Capture and exclusion measure.

E5.1** – Post development management and maintenance measures.

E5.2** – Showing all ponds that will be surveyed as part of post development monitoring, with their pond references.

F1* – Final layout of development and mitigation measures.

WML-A14-E6A&E6b – WORK SCHEDULE FOR GREAT CRESTED NEWT

ANNEXED LICENCES



Site name and address (as stated on the application form or licence granted): Lawn Farm, Drake Street, Welland

E6 Work schedule for all new applications from end of April 2013: Please ensure that this work schedule is S.M.A.R.T and appropriate timescales are provided for each activity, to fit with order of events.

Mandatory for all projects. Complete these schedules to show timings for all major categories of work (mitigation and compensation measures), and to show the main construction period. The most common activities are listed here, and you can add up to 6 more if needed. Leave blank if not applicable. Enter timing by stating **start and end dates, to nearest month and year** (see first line for example). Enter comments if you need to clarify timings. For very complex schemes (e.g. high impact or phased development schemes) if additional lines are needed please do add in. This work schedule will form part of any annexed licence.

PLEASE INCLUDE DATE OF SUBMISSION (e.g. 1 April 2013). This will be referenced in the licence →		21 November 2016
A) Pre-development and mid-development		
Activity	Timing	Comments
<i>Example: Receptor site pond creation</i>	<i>Nov-12 to Dec-12</i>	<i>Also plant pond up with native species in January 2013</i>
Receptor site pond creation	Na	
Receptor site pond enhancement or restoration	Oct 15 - Jan 16	(Pond 2, next to release site)
Receptor site terrestrial hab works - general e.g. reseedling, hedge planting	Oct 15 - Dec 17	Reseedling where required
Receptor site terrestrial hab works - features e.g. hibernacula, refuges	August 15 - Oct 15	Within 50m of ponds 1 and 2
Construction of permanent fences/walls	Na	
Construction of underpass/tunnel/culvert (and installation of 'guide' fencing)	Na	Guide fencing not necessary
Newt fence installation (to include drift or ring fencing if applicable – specify which)	August 15, April 17 - Oct 17	Original Licence area completed, additional one-way fence in 2017

Newt capture (pitfall trapping etc - outside hibernation/dormancy periods only)	August 15 - Sept 17	
Pond draining and pond destruction (please indicate when each will occur)	Na	
Hand searches	Sept 15 - Oct 17	Along hedges within fenced zone
Destructive searches (following completion of all other capture efforts)	Oct 15 - Oct 17	Where land is to be developed
Construction period (start and end dates)	Oct 15 - Oct 19	
Site checks & maintenance during construction	Oct 15 - Oct 19	Check of fences and parking area outside of fenced zone
Drift fence removal (not to be undertaken during hibernation/dormancy periods)	Sept 15 - Oct 15	
Newt fence removal (not to be undertaken during hibernation/dormancy periods)	Oct 19	Or before (not during winter)
Ring fence removal (not to be undertaken during the hibernation/dormancy periods)	Na	
Habitat reinstatement (for temporary impact schemes only)	Na	
Post construction mitigation/compensation on dev't site or other (provide details)	Na	
Wider enhancements: wildflower and tussock grassland	April 17 - Oct 17	Establish wildflower and tall grassland habitats
Additional area Pond enhancement	Jan 17, or Oct 17 - Jan 18	Pond 1
Additional area terrestrial habitat works - general	Jan 17- September 17	South of pond 1, leave grass uncut May to mid July.
Additional area terrestrial habitat works - features	Jan 17 - September 17	Hibernacula and refuges close to pond 1

B) Post-development works - type a "Y" where each activity will occur for a given year and leave blank for no activity.

Year:	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Population monitoring				Y			Y					
Habitat management		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Site maintenance		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Date: 06 January 2017
Our Ref: 2015-7820-EPS-MIT-1
Your Ref: C184649



Customer Services
Wildlife Licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
T: 0300 060 3900
F: 0845 601 3438

Mr Adrian Winstone
Cleeve Hall, Cheltenham Road
Bishop Cleeve
Gloucestershire
GL52 8EN

Dear Mr Adrian Winstone,

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)

Your application for a Mitigation licence:

WML-A14-1 - Mitigation has been granted.

Your Licence numbered 2015-7820-EPS-MIT-1 is attached and it is valid from 06 January 2017 to 01 July 2020.

Please ensure that you have read and understand all of the conditions and notes applicable to the licence and that you comply with them at all times.

Failure to do so could result in you committing an offence. Please note that most wildlife offences carry a maximum penalty not exceeding level 5 on the standard scale (currently £5000) and/or 6 months in prison.

Please also ensure that you submit all necessary returns information. Your return is due on 15 July 2020.

If you have any queries please email eps.mitigation@naturalengland.org.uk or call 0300 060 3900, quoting your customer ID and the above reference number.

Yours sincerely,

Emily Panter
Customer Services,
Wildlife Licensing
eps.mitigation@naturalengland.org.uk

cc: Mr Robert Craine



Granville Studio
Waterlane
Oakridge
Gloucestershire
GL6 7PJ

DRAKE STREET, WELLAND, WORCESTERSHIRE

POND MANAGEMENT PLAN

on behalf of

Bovis Homes Ltd

July 2018

Report reference d373.7c

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APPENDIX 1:
Map to show post development management and maintenance

1.0 INTRODUCTION

- 1.1 This method statement is prepared by Diversity on behalf of Bovis Homes (SW) Ltd. It prescribes management for the restoration of ponds at Lawn Farm, Drake Street, Welland, in accordance with the requirements of the European Protected Species Licence (EPSL) 2015-7820-EPM-MIT-1 granted by Natural England.
- 1.2 Great crested newt adults have been recorded in ponds 1 and 2 at Lawn Farm. The studies, which took place in 2012, 2015 and 2017, indicate a small and, possibly, declining population. Poor habitat conditions contributed to by an over-shading of trees and a corresponding lack of aquatic vegetation, are likely to be limiting factors.
- 1.3 To prevent extinction of great crested newts within the local area, and to increase biodiversity at each pond, habitat management is required, A programme of management tasks to be undertaken is described at section 4.0 'Works Schedule' of this document. To avoid disturbance to nesting birds, tasks other than planting should be undertaken outside the period March to August inclusive.

2.0 LEGISLATION

- 2.1 Great crested newts plus their breeding sites and resting places are cited for protection by the European Habitats Directive 1992, implemented in Britain by the Conservation of Habitats and Species Regulations 2010.
- 2.2 Bats and their roosting structures are cited for protection by the European Habitats Directive 1992, implemented in Britain by The Conservation of Habitats and Species Regulations 2010. This legislation makes it an offence to destroy or damage a roost or bat resting place.
- 2.3 Under Section 1, Part 1 of the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while the nest is either in use or being built.
- 2.4 Badgers are protected under the Protection of Badgers Act 1992, Schedule 6 of the Wildlife and Countryside Act 1981 and more general animal welfare laws. The Protection of Badgers Act 1992 places legal restriction on disturbance to badgers and sett destruction.

3.0 SITE DETAILS

- 3.1 **Pond 1** sits within a steep-sided former marl pit. The bank sides support woodland habitat which includes mature trees. Around the perimeter of the basin is wire fencing. The pond is over-shaded by trees and consequently contains accumulated debris and fallen dead-wood. There is very little aquatic vegetation present, other than duckweed (*Lemna minor*).
- 3.2 Other considerations for Pond 1:
- Some of the trees are noted to have bat roosting potential.
 - There is a badger sett at the southern bank.
 - Birds may be nesting in and around the pond in spring.
- 3.3. **Pond 2** is a linear trench with near-vertical sides. Shallower bank access to the pond is available at the north-western end. Management of the pond, involving clearance of trees and scrub along the south side, was carried out in autumn 2015 and has improved (increased) light levels at the surface. However, the pond has thick basal sediments, contains some rubbish, and has very little aquatic vegetation other than duckweed.
- 3.4 Other considerations for Pond 2:
- Birds may be nesting in an around the pond in spring.

4.0 WORKS SCHEDULE

General

- 4.1 All management tasks to be undertaken by suitably qualified personnel. Any felling or reduction of large trees should be undertaken by a skilled arboriculture contractor in accordance with the British Standard for Tree Work, BS2998:2010. Management tasks to be undertaken are itemised at Tables 1 and 2. An aquatic planting list is given at Table 3.
- 4.2 The appointed contractors will need to provide tools, machinery, work clothing and safety equipment appropriate to the management tasks involved. Any fuel containers must be leak-proof and stored a safe distance away from the ponds.
- 4.3 All material removed as part of the management must be recycled or composted away from the site unless otherwise specified. All silt removed must be deposited at a location where any liquor produced by decomposition does not enter a waterbody or stream channel.
- 4.4 Works will be preceded with a briefing from the ecologist to ensure that contractors are aware of the constraints regarding protected wildlife. Where a particular risk to wildlife is identified, work will be undertaken with an ecologist present.
- 4.5 In addition to the measures stated in this Management Plan it is the duty of contractors carrying out the work to implement best-practice measures in order to ensure the avoidance of harm to habitats and wildlife.

Table 1. Schedule of Management Tasks for POND 1

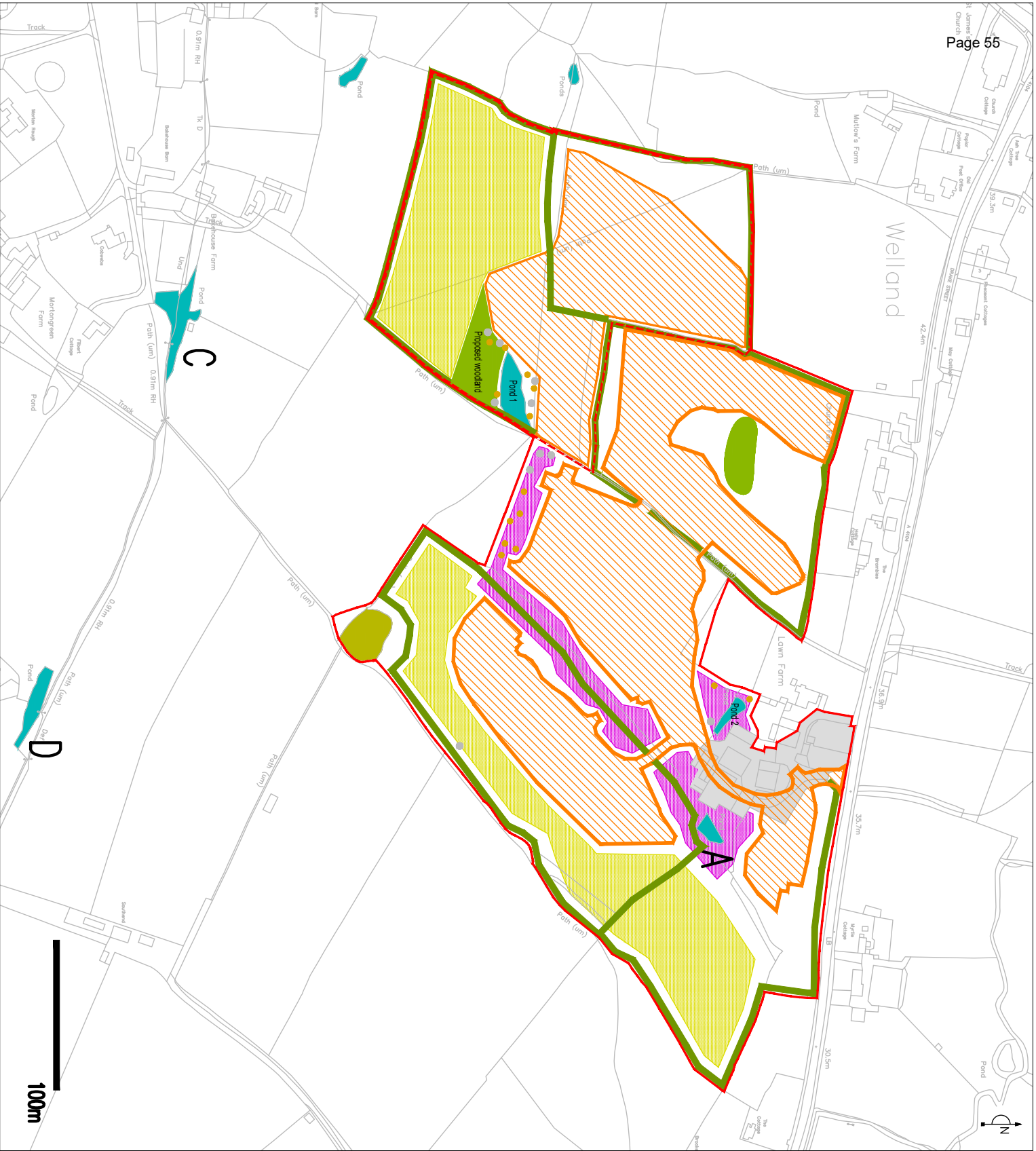
	Task	Time of year	Year
1	Pre-works briefing with ecologist. Identify and mark trees with bat roosting potential and mark out location of badger sett. The ecologist will need to be present for any work that affects these features.	October 2018	Yr 1
2	Create safe access point to pond at western end and agree routes for material removal.	October 2018	Yr 1
3	Clear bramble scrub as necessary to create access and where overhanging edges of pond. Remove for composting.	October/November 2018	Yr 1
4	Remove all overhanging branches and if necessary thin out tree density. Use cut timbers to create woodpile habitat around pond as per Fig E5.1 of Licence.	October/November 2018	Yr 1
5	Coppice approximately 1/4 of shrubs around pond basin which are suitable for coppicing (hazels, willows etc). Cut to ground level and using material create woodpiles at locations as described at task 4.	October/November 2018	Yr 1
6	Reduce and thin trees and shrubs as marked. Material over 100mm thickness can be cut up and left in log-piles. Install bat boxes as specified in Landscape Proposals drawing.	October/November 2018	Yr 1
7	Remove any visible rubbish items from pond and banks. Keep separate from cuttings and send to recycling / waste.	October/November 2018	Yr 1
8	Remove fallen branches from pond. Cut into logs and leave in piles as described at task 4.	October/November 2018	Yr 1
9	Remove as much silt as possible from pond basin. Deposit removed material onto level ground south of pond, either in piles or spread out. Remove visible litter from extracted material.	November/December 2018	Yr 1
10	Establish aquatic vegetation around pond margins, where possible, using submerged and floating plants selected from the species listed at Table 3. Plant at a density of 2 per m ² .	April – June 2019	Yr 2

Table 2. Schedule of Management Tasks for POND 2

	Task	Time of year	Year
1	Pre-works briefing with ecologist.	November 2018	Yr 1
2	Create safe access point to pond at north western end and agree routes for material removal.	November 2018	Yr 1
3	Clear scrub as necessary to create access and where overhanging edges of pond. Remove for composting.	November/December 2018	Yr 1
4	Remove any visible rubbish items from pond and banks. Keep separate from cuttings and send to recycling / waste.	November/December 2018	Yr 1
5	Remove any fallen branches from pond. Cut into logs and leave in piles on level ground close to pond as per Fig E5.1 of Licence.	November/December 2018	Yr 1
6	Remove as much silt as possible from pond basin. Deposit removed material onto level ground south of pond, either in piles or spread out. Remove visible litter from extracted material.	December 2018 / January 2019	Yr 1 / Yr 2
7	Establish aquatic vegetation around pond margins, where possible, using submerged and floating plants selected from the species listed at Table 3. Plant at a density of 2 per m ² .	April – June 2019	Yr 2

Table 3. Aquatic vegetation suitable for pond planting

Marginal herbs and rushes	Submerged plants	Floating leaved plants
Water Mint	Curled Pondweed	Amphibious Bistort
Water Forget-me-not	Water-starwort	Broad-leaved Pondweed
Lesser Spearwort	Rigid Hornwort	Small sweet-grass
Watercress	Water-crowfoot	
Fool's Watercress		
Pennywort		



KEY	
	Tussock grassland: Light grazing or moving no more than two to three times a year for an average sward height of 150mm
	Wildflower grassland: One mowing a year between July and September; arisings removed
	Hardstanding and buildings
	Woodland
	Hedge
	Waterbody: Vegetation management in and around waterbody and de-silting. Monitoring for fish, rubbish and pollution, with remediation as required.
	Site Boundary
	Extended boundary (additional 3.9ha)
	Development footprint and habitat loss (3.8 ha) comprising: Improved grassland/Pasture
	Hibernacula
	Refuges

drawing title: Map to show post development, management and maintenance

client: Bovis Homes
project: Drake Street, Welland

dwg no.: d373/014a
scale: as shown
date: 07/18 Kdl/rc

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