

**Statement of Common Ground between the South  
Worcestershire Councils (Malvern Hills District Council,  
Wychavon District Council and Worcester City Council) and  
the Malvern Hills Trust**

**Date: February 2025**



## 1. Introduction

- 1.1. This Statement of Common Ground (SoCG) has been produced to support the South Worcestershire Development Plan Review (SWDPR), which has been jointly prepared by the South Worcestershire Councils ((SWCs) - Malvern Hills District Council, Wychavon District Council and Worcester City Council) and the Malvern Hills Trust (working name of the Malvern Hills Conservators). It sets out the areas of agreement and disagreement between the SWCs and Malvern Hills Trust.
- 1.2. The Malvern Hills Trust (MHT) is a charity governed by statute whose duties are to keep the land under its jurisdiction as an open space for the recreation and enjoyment of the public and to preserve the “natural aspect” of that land.

## 2. Scope

- 2.1. Planning Practice Guidance (PPG) provides details on the scope of a Statement of Common Ground (SoCG),

*The PPG also recognises that the ‘level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities’ websites.’<sup>1</sup>*

### South Worcestershire Development Plan Review

- 2.2. The Development Plan for the SWCs currently comprises the South Worcestershire Development Plan (SWDP, adopted 2016), Minerals Local Plan (2022), Worcestershire Waste Core Strategy (2012), together with made Neighbourhood Plans. The SWDP was prepared jointly by the three SWCs working together under plan making arrangements. On completion of the SWDP Review process, the SWDP will be replaced by the ‘South Worcestershire Development Plan Review, 2021-2041’ (SWDPR).
- 2.3. The SWDPR includes strategic and detailed policies, together with site allocations for the Plan period 2021 to 2041.
- 2.4. The SWCs have consulted the Malvern Hills Trust at each consultation stage of the SWDPR plan preparation.

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<sup>1</sup> Paragraph: 011 Reference ID: 61-011-20190315, NPPF (2021)

### 3. Regulation 18 Representations

3.1. The Malvern Hills Trust did not respond to the Regulation 18 consultations, the most recent of which concluded on 19 April 2019.

### 4. Regulation 19 Representations

4.1. In response to the Regulation 19 Consultation of the SWDPR, the Malvern Hills Trust submitted representations regarding SWDPR01, SWDPR06, SWDPR07, SWDPR27, and the SWDPR62 Malvern Hills allocations, as well as suggestions of how some of the policies could be improved. The Malvern Hills Trust responses included recommendations and comments relating to policies and allocations within the Malvern area, set out below, including visual impact and easements over Malvern Hills Trust land.

4.2. The SWCs have considered all of the comments presented by MHT and have SWCs have proposed some modifications in response. MHT reserves its position.

Policy Number	MHT Regulation 19 comments and recommended changes	SWCs Response	MHT Updated Position
SWDPR01 Climate Change	Policy SWDPR 01, paragraph v, should be amended as follows: “Protect and safeguard existing green spaces and provide opportunities for community self-sufficiency e.g., through the provision of allotments, community orchards, etc. (see SWDPR 45). Development that would lead to a significant impact on an existing greenspace (e.g. by way of increased use, noise, visual intrusion etc.) should be suitably mitigated.”	As the Plan is read as a whole, The SWCs consider that the current wording of the policy, and the supporting policies of SWDPR07 and SWDPR45, are sound and offer the required levels of protection to existing green spaces.	MHT maintain the position that Development which would lead to a significant impact on an existing greenspace (e.g. by way of increased use, noise, visual intrusion etc.) should be suitably mitigated.
SWDPR 06 Transport	Jacob’s traffic impact report quantifies and models the allocations in and around Malvern and concludes that the volume of traffic generated will require junction improvements. This is in direct conflict with Para C of SWDPR06 and is therefore unsound.  Updates to the mapping are required to ensure accuracy.	Comments Noted - the sites within the plan at Malvern have undergone assessment and consultation with Worcestershire County Council and National Highways, and it is considered that the allocations will not have a significantly detrimental impact on the road network. Furthermore, they have also been considered by landscape officers who have	We remain concerned that some of the allocation sites may require modifications to existing road networks for traffic safety purposes as set out in the Traffic Impact Report. These may impinge on land owned by or under the jurisdiction of MHT, particularly in regard to traffic volumes from the Park Farm and Blackmore Park. The Jacobs report suggests that junctions 1,14 and 19 may require widening. Junction

		<p>assessed their impacts on the Malvern Hills AONB (now National Landscape). The details of these assessments can be found on the Site Assessment Spreadsheets (SHELAAAs) and published on the examination website.</p> <p>Update: the transport modelling is now completed and available on the examination website.</p> <p>Minor modification: Updates to the mapping are required to ensure accuracy</p>	<p>14 is within land owned and managed by the Malvern Hills Trust. All three sites are within the Malvern Hills National Landscape.</p> <p>If this traffic impact cannot be mitigated these sites fail to meet the conditions in Paragraph C of the SWDP06 (and paras 176 and 177 of the NPPF) and should be removed from the plan.</p>
SWDPR07 Green Infrastructure	<p>The interactive policy mapping on the consultation website includes a layer Green Infrastructure, with a sublayer Green Space and Urban Biodiversity. Within this sublayer much of the land under the protection of the Malvern Hills Acts (1884-1995) has been identified and coloured green. However, the layer is only partially complete, and many parcels of Trust land have been omitted.</p> <p>The Green infrastructure mapping should be amended to incorporate accurate mapping of land in the ownership / jurisdiction of the Malvern Hills Trust and protected by Malvern Hills Acts, as is publicly available on the Trusts Website <a href="https://www.malvern hills.org.uk/looking-after/malvern-hills-map/">https://www.malvern hills.org.uk/looking-after/malvern-hills-map/</a> as well as on the Governments MAGIC mapping website.</p>	<p>Comments noted.</p> <p>Minor Mod: Mapping updates to be made to incorporate accurate mapping of land in the ownership / jurisdiction of the Malvern Hills Trust and protected by Malvern Hills Acts, as is publicly available on the Trusts Website <a href="https://www.malvern hills.org.uk/looking-after/malvern-hills-map/">https://www.malvern hills.org.uk/looking-after/malvern-hills-map/</a> as well as on the Governments MAGIC mapping website.</p>	<p>As above re mapping.</p> <p>We remain concerned about possible impacts on loss of greenspace due to access provision for sites: MHPH01, MHPH04, MHPH05, SWDP56, SWDPRnew105 and SWDPRnew109</p>
	<p>The inclusion of Areas of Informal Recreation (AIRs) is a welcome addition and supported. However, the Footprint Ecology report in the evidence base identifies such AIRs as one part of a strategy to mitigate the documented and predicted impacts on the Malvern Hills SSSI. The report also identified the challenge with this if used as a single stratagem (Para 4.28 of the</p>	<p>Comments noted.</p> <p>This may be something the Inspector may like to consider at examination.</p> <p>In November 2024, the landowners of AIR02 formally confirmed that they no longer wished</p>	<p>The Trust had concerns about AIR02 (Jennet Tree Lane in Deblins Green) but we understand this site has been withdrawn.</p> <p>MHT maintains that AIRs need to be accompanied by a range of other complementary measures in the SWDP to monitor, reduce and ameliorate the impact</p>

	<p>report) and puts forward recommendations for other mitigation package elements that would be needed. Those other recommendations (as contained within sections 4.33 - 4.44 of the Footprint Ecology report and referenced in para 7.16 of the SWDP) aimed to establish a strategic set of mitigation measures for managing the pressures that the Malvern Hills SSSI would receive from increased visitor pressures arising from housing allocations within the SWDPR. They have however not been captured fully within SWDPR 07.</p> <p>Amend SWDPR 07 to include specific mention of the delivery of those other impact mitigation strategy elements as put forward in the Footprint Ecology report. Amend policy to include subsection to ensure any new AIR should include appropriate and relevant facilities so as to minimise negative impacts they may bring on existing GI / Local Geological sites that lie in close proximity to and they have access to.</p>	<p>to pursue the allocation of the land at Jennet Tree Lane as an AIR.</p> <p>The SWC are working alongside Natural England to enable further AIRs to come forward in the plan period.</p> <p>The AIRs will sit alongside the measures included in the Malvern Hills Mitigation Strategy (targeted towards management of the Malvern Hills themselves) and high levels of plan-wide GI provision. Together the AIRs and the mitigation strategy provide a comprehensive set of measures to address the increased recreation pressure on the Malvern Hills. Indeed, greater confidence in the mitigation is likely to be achieved by the overall package as there is scope for the different approaches to dovetail.</p> <p>The SWCs are committed to working alongside the Malvern Hills Trust, Natural England, neighbouring LPA's, and other key stakeholders to ensure that the impact from increased recreation is appropriately mitigated.</p>	<p>of increased recreation arising from the SWDP proposals.</p> <p>Further such measures should be included in the SWDP to enable it to comply with the requirement of SWDP01 and SWDPR27.</p> <p>MHT is willing to collaborate in the delivery of these measures, subject to additional funding.</p>
<p>SWDPR27 Biodiversity and Geodiversity</p>	<p>The interactive policy mapping on the consultation website completely omits the Malvern Common SSSI from the Environment / SSSI layer. This site also lies within the Malvern Hills AONB. The boundary of this site should have been accurately shown in the mapping and, along with its associated Risk Impact Zones, properly considered in the development of several policies and elements of the SWDPR.</p>	<p>Comments noted.</p> <p>Minor mod: Mapping updates to the Malvern Hills Common SSSI.</p> <p>The South Worcestershire Councils are not expecting to update the EDNA prior to Hearings.</p>	<p>We note that the mapping will be updated.</p> <p>We remain concerned that allocation of Employment Land allocations leading to the sites Park Farm (SWDP new 105 /CFS0117) and Land adjoining Blackmore Park (TBC /CFS0141b / MHPE05) does not appear to have included any proper consideration of Malvern Common SSSI.</p>

<p>Policy SWDPR 27 states that developments impacting SSSIs will not be supported unless there are wholly exceptional reasons and a suitable compensation strategy exists. The impact zones for this SSSI cover land that has been put forward for Employment Land allocation.</p> <p>Paragraph SWDP27E should be amended to bring it into line with national planning policy.</p> <p><i>Development likely to have an adverse effect on nationally important sites, including a Site of Special Scientific Interest (SSSI) will only be considered where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.</i></p> <p>The background documentation for the site selection process for Employment Land allocations leading to the sites Park Farm (SWDP new 105 /CFS0117) and Land adjoining Blackmore Park (TBC /CFS0141b / MHPE05) does not appear to have included any proper consideration of Malvern Common SSSI.</p> <p>No suitable compensation strategy appears to have been considered in the site selection process. No reference to Malvern Common and Natural England's national guidance document for planners Impact Risk Zones for Sites of Special Scientific Interest appears in the background documentation to the Employment Site Allocation process.</p> <p>The site selection process for Employment Land Allocations should be repeated to properly consider Malvern Common in their assessments and the</p>	<p>The SWCs would consider an amendment to SWDPR27E in order to incorporate changes suggested by the MHT.</p> <p>For all other points, these may be elements the Inspector may like to consider at examination.</p>	<p>We maintain that site selection process for Employment Land Allocations should be repeated to properly consider Malvern Common in their assessments and the inclusion should be duly amended to recognise and eliminate any impacts of the allocations on the SSSI.</p>
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- 4.3. The Malvern Hills Trust have also commented on specific allocations within the SWDPR listed below.
- SWDPR55- Cales Farm
  - MHPH01- Land south of Madresfield Road
  - MHPH03- Land at 186 Madresfield Road
  - MHPH04- Land on the south side of Guarlford Road
  - MHPE01- Park Farm, Blackmore Park Road
  - MHPE04- Land at Mayfield Road
  - MHPE05- Land Adjoining Blackmore Park
- 4.4. The SWCs acknowledge that the Malvern Hills Trust have raised concerns regarding these allocations and have given them due consideration, however are not proposed to remove any allocations.
- 4.5. By way of an update, Cales Farm was granted outline planning permission (M/23/01777/OUT) subject to conditions and s106 head of terms on 16.10.2024.
- 4.6. The below sites potentially require easements over land controlled by the Malvern Hills Trust.
- MHPH01- Land south of Madresfield Road
  - MHPH03- Land at 186 Madresfield Road
  - MHPH04- Land on the South Side of Guarlford Road
  - MHPE04- Land at Mayfield Road, Malvern
- 4.7. It is understood that one of these allocations has submitted an application for an easement over Malvern Hills Trust land. This application has not yet been determined by the Trust and it should not be assumed that that these sites can necessarily be accessed across MHT land.

## **5. Matters of Agreement**

- 5.1. As part of the examination process and in order to resolve outstanding issues in this emerging SoCG, modifications will be put to the Inspectors within the SoCG (once the SoCG has been finalised) for them to have regard to in their consideration of the Plan and whether modifications are necessary to make the plan sound, or not; or whether they are required for the purposes of updating the Plan since the Regulation 19 stage or for clarification purposes.
- 5.2. The parties are in agreement that where an easement is required to provide access to any site over land under the jurisdiction of Malvern Hills Trust, an application has to be made to the Trust by the landowner or their agent, as described in the Briefing Note – Malvern Hills Act (EXAM 1G). Applications are determined by the board of trustees in accordance with the provisions of the Malvern Hills Acts and it is not possible to predetermine whether an easement will or will not be granted.
- 5.3. The Malvern Hills Trust and the South Worcestershire Councils have reached the following common ground:
- That changes to mapping will be required to accurately reflect the extent of Green Infrastructure controlled by the Trust and to reflect the boundary of the SSSI. It is proposed that there is a minor modification to update the Malvern Hills Common SSSI boundary on the SWDPR Policies Map and a second minor modification to the existing GI layer to include omitted Malvern Hills Trust land on the SWDPR Policies Map.



- A main modification will be proposed which includes an amendment to SWDPR27E, as follows.

**E a)<sup>2</sup>** Development likely to have an adverse effect on nationally important sites, including a Site of Special Scientific Interest (SSSI) will only be considered where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

**E b)** Development resulting in the loss or deterioration of irreplaceable habitats or features including (but not limited to) Ancient Woodland and Ancient and Veteran Trees will not be supported, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 5.4. The proposed allocations listed below have not attracted any comments from Malvern Hills Trust and are considered sound and legally compliant.
- SWDPR56- North East Malvern (Newland)
  - MHPH05- Land off Mayfield Road
  - MHPE02- Land off B4208 between Hill View Area and Willow End Business Park
  - MHPE03- Land off B4208 between disused railway track and Willow End Business Park

## **6. Matters of Disagreement**

- 6.1. The Malvern Hills Trust has proposed some wording changes to SWDPR policies. The SWCs have considered all representations and made proposed modifications where there are matters of agreement. For those areas which remain matters of disagreement, the SWCs are open to discussing these at examination should the Inspectors wish to do so.
- 6.2. The Malvern Hills Trust have considered a number of allocations (Paragraph 4.3) to be unsound and have requested that where easement issues exist that they are discussed at examination. The SWCs consider that the site assessment and selection process used in the SWDPR is sound. Proposed allocations would be required to comply with the policies within the SWDPR and that this would mitigate any harm to landscape, GI, and other issues raised by the Trust. It is appreciated that some allocations may require easements, however this is a process which cannot be pre-determined and alternative accesses may be utilised, where available.
- 6.3. Malvern Hills Trust has strong concerns over the allocation of sites for development near to Sites of Special Scientific Interest. This has not been addressed either by removing the allocations or putting adequate mitigation measures in place. Without this, MHT believes the SWCs cannot be complying with their enhanced biodiversity duty under the Environment Act 2021. The Trust would welcome collaboration with the SWCs to address this issue.
- 6.4. The SWCs welcome and thank the MHT for the collaboration on this matter. The SWCs have proposed modifications to SWDPR27 to try to mitigate concerns. The SWCs also



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<sup>2</sup> Please note that numbering may not reflect the final version of the SWDPR.

stress that the Plan should be read as a whole and believe that in this respect any such planning application in close proximity of a SSSI would be assessed robustly.

## 7. Signatories

- 7.1. Both parties agree that this statement is an accurate representation of matters raised and issues agreed upon.
- 7.2. This SoCG has been agreed and signed by the following:

<b>South Worcestershire Councils</b>	<b>Malvern Hills Trust</b>
Name: Ian Macleod	Name: Deborah Fox
Position: Director of Planning and Infrastructure, Wychavon District Council and Malvern Hills District Council	Position: CEO
Date agreed: 07.02.2025	Date agreed: 06.02.2025
Signature: 	Signature: 
Name: Duncan Rudge	
Position: Head of Planning, Worcester City Council	
Date agreed: 07.02.2025	
Signature: 