

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

Date: March 2025



1. Introduction

- 1.1 In accordance with the National Planning Policy Framework (NPPF)¹, public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities. This forms part of each local planning authority's evidence for their respective emerging Local Plans.
- 1.2 This Statement of Common Ground (SoCG) has been prepared to fulfil the duty to cooperate requirements in accordance with paragraph 27 of the NPPF² and the section of the Planning Practice Guidance on Maintaining Effective Cooperation.

2. Purpose

- 2.1. This Statement of Common Ground 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. It sets out how the SWCs have engaged with Malvern Hills National Landscape (the Team), formerly the Malvern Hills AONB Unit, in order to fulfil its Duty to Cooperate requirements.
- 2.2. On Wednesday 22nd November 2023, Areas of Outstanding Natural Beauty (AONBs) were rebranded as National Landscapes in England and Wales. The Malvern Hills National Landscape is designated an Area of Outstanding Natural Beauty, but at the time of preparing some evidence base documents and content referenced in this Statement, the Team was known as the Malvern Hills (AONB) Unit. Thus, the term AONB is sometimes used.
- 2.3. For clarification on terminology for this Statement of Common Ground, the name Malvern Hills National Landscape is commonly used throughout this document. However, since 'AONB' remains the legal name for the designation, this term is also used in appropriate places, for example, when referring to the Malvern Hills AONB Management Plan, which is a statutory plan, or when directly quoting from older documents. The name used for the team associated with the designation is the Malvern Hills National Landscape Team.

3. Scope

- 3.1. Planning Practice Guidance (PPG)³ provides details on the scope of a Statement of Common Ground (SofCG), which is detailed below.
- a short description and map of the administrative areas covered by the statement;
 - the key strategic matters being addressed by the statement;
 - the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories;

¹ 'Local planning authorities and county councils are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries' (NPPF, 2023, Para 24)

² 'In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency'

³ Paragraph: 011 Reference ID: 61-011-20190315 (PPG, 2019)

- governance arrangements for the cooperation process;
- if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;
- distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;
- a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
- any additional strategic matters to be addressed by the statement which have not already been addressed

3.2. 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.’*⁴

4. Duty to Cooperate

South Worcestershire Development Plan Review

- 4.1. The Development Plan for the SWC currently comprises the South Worcestershire Development Plan (SWDP, adopted 2016), Minerals Local Plan (2022), Worcestershire Waste Core Strategy (2012), together with made Neighbourhood Development Plans⁵. 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).
- 4.2. The SWDPR includes strategic and detailed policies, together with site allocations for the Plan period 2021 to 2041.
- 4.3. There has been ongoing and active engagement between the SWCs and the Malvern Hills National Landscape Team throughout the SWDPR process and Duty to Cooperate discussions have occurred at appropriate times during the SWDPR process.
- 4.4. As part of the development of the SWDPR the SWCs have consulted the Malvern Hills National Landscape Team during the following consultations:
- Traveller and Travelling Showpeople Site Allocations DPD Preferred Options - consultation concluded on 9 May 2016.
 - Traveller and Travelling Showpeople Site Allocations DPD Revised Preferred Options - consultation concluded on 18 April 2018.

⁴ Paragraph: 011 Reference ID: 61-011-20190315, (PPG, 2019)

⁵ [Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Paragraph: 007 Reference ID: 41-007-20190509 (PPG, 2019)

- Village Facilities and Rural Transport Proposed Methodology - consultation concluded on 2 July 2018.
- SWDPR Call for Sites and Proposed SHELAA Methodology - consultation concluded on 2 July 2018.
- Sustainability Appraisal Scoping Report - consultation concluded on 3 July 2018.
- Development Boundaries Review Proposed Methodology - consultation concluded on 8 October 2018.
- SWDPR Issues and Options - consultation concluded on 17 December 2018.
- SWDPR Preferred Options - consultation concluded on 16 December 2019.
- Renewable and Low Carbon Energy Call for Sites - consultation concluded on 3 April 2020.
- Country Park Call for Sites - consultation concluded on 24 July 2020.
- SWDPR Further Regulation 18 (III) Sustainability Appraisal Consultation - consultation concluded on 19 April 2021.
- Traveller and Travelling Showpeople Site Allocations DPD Revised Preferred Options - consultation concluded on 5 July 2021.
- SWDPR Regulation 19 – consultation concluded on 23 December 2022.
- Traveller and Travelling Showpeople Site Allocations DPD Publication – consultation concluded on 13 December 2022.

4.5. Duty to Cooperate discussions will continue at appropriate times as the SWDPR progresses.

5. Key Strategic Matters

5.1. The following key issues have been identified in the Duty to Cooperate dialogue and consultation between SWC and the Team.

Regulation 19 Representations from the Unit

5.2. The Malvern Hills National Landscape Team responded to the Regulation 19 consultation in December 2022 in respect of the following sites and policies:

5.3. Sites:

- MHPE04 (Land at Mayfield Road)
- MHPE05 (Land Adjoining Blackmore Park)
- SWDPR 55: Cales Farm, Malvern
- SWDPR 59: Land at Whiting Ash Farm, Berrow (RLCE055c)

Policies:

- SWDPR 02 Employment, Housing and Retail requirements
- SWDPR 03 The Spatial Development Strategy and Settlement Hierarchy
- SWDPR 06 Transport

- SWDPR 15 Effective Use of Land
- SWDPR 16 Housing mix and standards
- SWDPR 18 Meeting affordable needs
- SWDPR 19 Rural Exception Sites
- SWDPR 19A First home exception sites
- SWDPR 23 Class C2 Housing for People with Special Housing Needs
- SWDPR 26 Design
- SWDPR 28 The Cotswolds National Landscape (NL) and Malvern Hills AONB
- SWDPR 59 Renewable and Low Carbon Energy Site Allocations

5.4. It is considered that the Duty to Cooperate process has been progressed in a positive manner by both bodies. Whilst this SoCG identifies outstanding areas where there remains some disagreement between the Parties, it is considered this does not represent a failure of the Duty to Cooperate process, but instead are issues which can be discussed through the Examination into the South Worcestershire Development Plan if considered necessary.

6. Matters of Agreement

6.1. The Malvern Hills National Landscape Team recognises that a number of comments which it submitted as part of the Preferred Options stage of consultation in 2020 have been considered and are reflected in the Regulation 19 publication. The Team also recognises the addition of important new policies in the Plan since the 2020 consultation, for example, on the subject of climate change. It welcomes these changes.

SWDPR 55: Cales Farm

6.2. The MHNL Team objected to this allocation and planning application and consider the decision to grant outline planning permission to the site at Cales Farm (proposed allocation SWDPR 55) to be regrettable. However, the MHNL Team are working with the SWCs to ascertain a way forward in consultation as appropriate and to drive a landscape-led design approach to the development that will incorporate guidance and best practice produced by the MHNL Partnership.

The MH SSSI

6.3. The SWCs are not proposing any new allocations within 500m of the Malvern Hills SSSI in this plan period. Further, the SWCs intend to work with the MHNL Team and other relevant stakeholders to explore further discussions around a comprehensive mitigation package in order to protect the MH SSSI. Discussions are being undertaken regarding the principle of development in proximity to the SSSI in the future, but this is in the very early stages. The MHNL Team would be included in such discussions and the SWCs would welcome that.

6.4. The MHNL Team support the principle of the of the proposed SSSI Mitigation Strategy for the SWDPR and are working with the SWCs in regard to this. The SSSI Mitigation Strategy is proposed to be used as a tool where there is an impact, but this impact can be lessened using mitigation measures identified withing the SSSI Mitigation Strategy, for example development (inside the SWCs boundary) within 25km of MH SSSI is required to pay £269.72 at present. This amount has been viability tested and the monies collected may be used for

onsite mitigation. Further discussions are taking place with regards to future financial contributions and other strategic solutions for the MH SSSI.

SWDPR 28

- 6.5. The MHNL Team consider that policy reference to AONB/National Landscape guidance without reference to the management plans makes little sense and would probably render the policy unsound through failing to recognise the primary vehicle for conserving and enhancing the natural beauty of these protected landscapes. Whilst the SWCs do not consider that the policy would be unsound, they would consider strengthening the policy by including reference to the management plans. This has been proposed as a suggested change at SWDPR 28C to the Inspectors in document WS0/1.

7. Matters of Disagreement

Sites

- 7.1. The Team raises concerns that some allocations for residential and employment land included within the Regulation 19 Publication document could have a significant adverse impact on the special qualities of the designated AONB:

- MHPE04 (Land at Mayfield Road)
- MHPE05 (Land Adjoining Blackmore Park)
- SWDPR 59: Land at Whiting Ash Farm, Berrow

- 7.2. The SWCs have considered all available evidence when allocating sites.

- 7.3. Regarding SWDPR 59: Land at Whiting Ash Farm, the MHNL Team considered there will be a likely impact on the MHNL and likely to be visible from within the National Landscape. The MHNL Team are concerned that they did not have the opportunity to comment on and assess the site. The SWCs consider that the evidence regarding this site is robust, and consider that the MHNL Unit will have the opportunity to comment on this site should an application be submitted.

Policies

SWDPR 02 Employment, Housing and Retail requirements

- 7.4. The Team is concerned that the distribution of homes across the South Worcestershire area (as articulated through the Housing Topic Paper) appears to make no overt distinction between settlements which are in/partly in and partly outside the AONB and which are very clearly in its setting, which has been strengthened through recent revisions of the NPPF, and those that lie well outside. The Team requests further information on the extent to which the AONB and its setting has informed the planned distribution of development in South Worcestershire through the SWDPR, particularly as it is not confirmed within the reasoned justification. Without this assurance and suitable evidence base it considers the Policy to be unsound.

- 7.5. The SWCs have considered all available evidence when allocating sites and consider them to be sound.

SWDPR 03 The Spatial Development Strategy and Settlement Hierarchy

7.6. The Team questions the soundness of the SWDPR on the basis that it is:

- in conflict with a key part of the evidence base (i.e. the LVSS Environs study) which was commissioned to help inform site selection;
- in conflict with other policies in the SWDPR, specifically Policy SWDPR 28 which seeks to conserve and enhance the natural beauty of the designated AONB and National Landscape and to protect their settings; and
- in conflict with para 182 of the NPPF (2023) which states that '*The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*' The SWDPR Reg19 Sustainability Appraisal (vol 2 of 3) Sept 2022 report makes it clear that a number of sites, if developed, would individually incur significant character change or adverse effects to the designated AONB/National Landscape which could not be effectively mitigated. Further, the cumulative effects to the designated areas from development of the sites would harm views and the alteration of the special qualities of nationally designated landscapes is likely to be a long-term and permanent significant effect.

7.7. The SWCs consider that the spatial distribution of allocations in the SWDPR is sufficiently justified in the reasoned justification for SWDPR 03 and will not replicate that text here.

SWDPR 06 Transport

7.8. In addition to the negative visual and landscape character effects (see above) the AONB Unit is concerned that the impacts of proposed developments in certain locations in the setting of the Malvern Hills AONB will also give rise to significant traffic increases which will then go on to harm one of the special qualities of the AONB namely: '*A sense of remoteness and tranquility, underpinned by dark night skies and limited noise and disturbance. People feel calm and spiritually refreshed. (see page 9 of the AONB Management Plan)*'

Matters of Clarification

8. Governance Arrangements

- 8.1. Governance arrangements are key to ensure that effective duty to cooperate discussions are undertaken and an appropriate SoCG prepared.
- 8.2. Updating of this SoCG will be linked to key milestones within the SWDPR and South Worcestershire Development Plan Review processes.

9. Conclusions


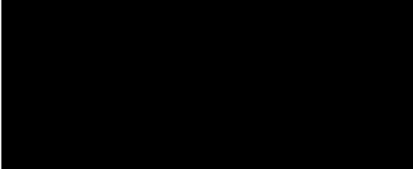
9.1. The parties agree that:

- 1) The parties will continue to work positively together and where relevant with other prescribed bodies on strategic cross boundary issues.

- 2) The parties are not in agreement on the following matters/or the parties disagree on:
 - a) The allocation of sites MHPE04, MHPE05, and SWDPR 59.
 - b) The spatial distribution of development, as detailed in Sections 5 and 7 of this SoCG.
 - c) Specific wording of several policies, as detailed in Sections 5 and 7 of this SoCG.
- 3) The parties agree that further discussions as to why the parties are not in agreement on the matters in 2) are saved for Public Examination with the Inspectorate. A SoCG should simply record the matters of disagreement to facilitate discussions in public examination.

10. Signatories

10.1. This SoCG has been agreed and signed by the following:

<p>South Worcestershire Councils</p> <p>Name: Ian Macleod</p> <p>Position: Director of Planning and Infrastructure, Malvern Hills District Council and Wychavon District Council</p> <p>Date Agreed: 24.03.2025</p> <p>Signature:</p> 	<p>Malvern Hills National Landscape Partnership</p> <p>Name: Paul Esrich</p> <p>Position: Malvern Hills National Landscape Partnership Manager</p> <p>Date agreed: 21/03/2025</p> <p>Signature:</p> 
<p>And,</p>	
<p>Name: Duncan Rudge</p> <p>Position: Head of Planning, Worcester City Council</p> <p>Date agreed: 24.03.3035</p> <p>Signature:</p> 