

Date: 05 February 2024
Our ref: 462566
Your ref: 23/00682/OUT



Denise Duggan
Wychavon District Council

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BY EMAIL ONLY

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Dear Denise,

South Worcestershire Development Plan Review Natural England Position Statement on Strategic Allocation 54: Mitton

Introduction

The South Worcestershire Local Plan Review allocates 1,000 houses and a school on 87ha of land off Bredon Road, Mitton, Tewkesbury. The site is located north of an existing housing estate, to the east of Bredon Road. Bredon Road runs roughly north to south along on a low ridgeline, with land to the west dropping to the River Avon and land to the east dropping to the Carrant Brook. Phase 1 of the site would deliver 500 houses to meet Tewkesbury Borough's housing needs. This half of the site is subject to a live planning application for 500 dwellings, W/23/00682/OUT. Phase 2 would deliver 500 houses for Wychavon District.

Natural England did not raise issues with the Local Plan allocation in our response to the formal consultation at Regulation 19. However, we have since been made aware that the allocation could have impacts on curlew, a Priority species under the NERC Act (2006) and species of High Conservation Concern in the UK. Curlew is included within the bird assemblage for which the Severn Estuary Special Protection Area (SPA) is designated.

A case history / timeline is provided as an appendix to this letter.

Ecological impacts

The UK is globally important for Eurasian curlew, having 25% of the global population. However, the UK population has declined by 50% over the past 40 years. There are around 500 pairs of curlew left in the UK lowlands, of which 300 pairs are south of Birmingham. Many of these populations are on the verge of local extinction. There are national efforts underway to conserve curlew, with the national Curlew Recovery Partnership launched in March 2021 (see [About Us | Curlew Recovery Partnership](#)). Locally, the Wildfowl and Wetland Trust set up its Severn Vale Curlew Project in 2019 to examine the reasons for the decline of lowland curlews and to seek remedies.

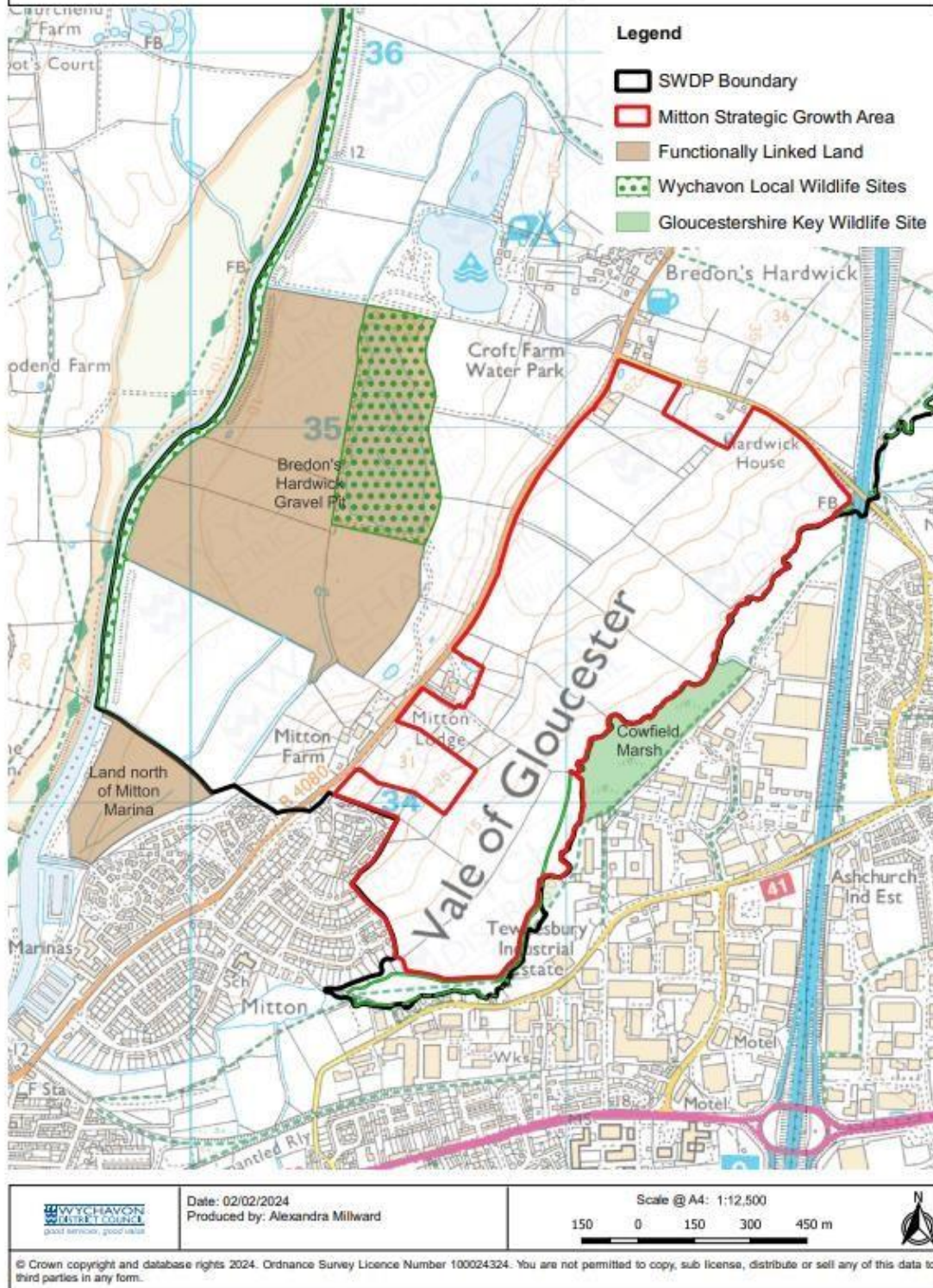
Curlew populations at Bredon's Hardwick and Mitton are very important. The Bredon's Hardwick / Fleet Lane / Upham Meadow complex holds the strongest concentration of breeding Curlews of the Severn and Avon Vales, about half of the roughly 35 pairs breeding in the whole Severn and Avon area. The entirety of this local population use the meadows along the River Avon at Bredon's Hardwick and Mitton as an evening roost site in March and April and these birds are linked to The Severn Estuary SPA. Several pairs are also known to breed here, with five nests found in 2023.

Curlew will be moving across the development site between the River Avon and Carrant Brook, and are known to forage on fields within the development site, opposite to Cowfield Marsh.

Curlew are long-lived ground nesting birds which are site-faithful and return to the same site year on year to breed. Being ground nesting birds, they are vulnerable during the breeding season to predation by corvids, foxes and domestic dogs and cats and tend to avoid nesting near habitats that may offer shelter or vantage points to predators. Curlew are considered to be particularly sensitive to disturbance, and visual or noise disturbance may cause curlew to leave the area.

Illustrative map of site location in relation to functionally linked land

Habitat Considerations around Mitton Strategic Growth Area



Severn Estuary SPA and Functionally Linked Land

Special Protection Areas were originally established under the EU Birds Directive and are implemented through UK domestic legislation. The Severn Estuary SPA is designated to protect internationally important populations of wildfowl and wetland birds, and lists the following species:

- Annex 1 species - o Bewick swan.
- Regularly occurring migratory species - o European white fronted goose, Dunlin, Redshank, Shelduck, Gadwall.

- Internationally important assemblage - o Wigeon, Teal, Pintail, Pochard, Tufted duck, Ringed plover, Grey plover, Whimbrel, Curlew, Spotted redshank.

Further information on the Severn Estuary designations is available here: [Severn Estuary EMS \(naturalengland.org.uk\)](https://naturalengland.org.uk/severn-estuary-ems/).

The wider Severn and the Avon vales are used by wildfowl and wetland birds associated with the Severn Estuary SPA. Birds use low-lying fields and wetland sites along the river corridors as part of a habitat network, using different places in different circumstances, for example at different water levels, in times of flood or severe weather, at different times of year, for feeding, overwintering or for breeding.

In 2022 Natural England published a research project report which identified 'functionally linked land' used by birds associated with the Severn Estuary SPA. The report *Identification of Wintering and Passage Roosts on functionally linked land of the Severn Estuary*, Nov 2021 [Report NECR401] is available online here: [Identification of wintering and passage roosts on functionally linked land of the Severn Estuary - Gloucestershire and Worcestershire \(Phase 5\) - NECR401 \(naturalengland.org.uk\)](https://naturalengland.org.uk/severn-estuary-gloucestershire-and-worcestershire-phase-5-NECR401/).

The term "functional linkage" refers to the role or "function" that land or sea beyond the boundary of a European site might fulfil in terms of supporting the populations for which the site was designated or classified. Such an area of land or sea is therefore "linked" to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

The research report identified two areas of functionally linked land in close proximity to the proposed development site. The area at 'Mitton' (15305) is 300m west of the proposed development site and the area at 'Bredon's Hardwick Gravel Pits' (40260) is 100m to the west.

Cowfield Marsh Local Site

Cowfield Marsh lies between the Carrant Brook and the Northway Industrial Estate. Natural England does not hold information on local sites. However, we understand that Cowfield Marsh was designated for its general habitat, populations of great crested newts and its value to birds e.g., snipe and jack snipe. The marsh is over 5ha in size, which is considered to be a large example of this type of habitat, however, it would likely have been larger prior to construction of the Industrial Estate.

Cowfield marsh itself is not suitable habitat for curlew. This view has been informed by a site visit on 1 December 2023 by Hayley Fleming (NE) and Mike Smart, a local ornithologist who is currently employed by the Wildfowl and Wetlands Trust to research local curlew population declines. However, it is thought that the presence of this area of natural habitat probably plays a role in attracting and supporting curlew in foraging in fields along the Carrant Brook.

Fields along Carrant Brook

Local ornithologists undertake monitoring of Cowfield Marsh. Curlew have been seen overhead and are known to forage in fields within the development site, north of the marsh. Curlew is listed on a written record by Les Ditchburn dated April 2022.

SWDPR Habitat Regulations Assessment

The SWDPR is informed by a Habitat Regulations Assessment ([HRA \(swdevelopmentplan.org\)](http://HRA(swdevelopmentplan.org))). It is NE's opinion that the South Worcestershire Development Plan Review Habitat Regulations Assessment technical Volume 2, "Public Access and Disturbance Assessment at Potentially Functionally Linked Bird Sites" report by Lepus consulting dated August 2022 provides an adequate assessment of the potential impacts of the Mitton allocation on the functionally linked lands at Mitton (15305) and Bredon's Hardwick Gravel Pits (40260).

However, the SWDPR HRA did not include reference to the use of fields within the development site by foraging curlew. The HRA should be updated to include this. It is important to note that impacts may affect not only the over-wintering SPA population but also the breeding population at a county and regional level.

The HRA report makes the following recommendations:

"6.1.9 Given the proximity of the strategic allocation at Mitton urbanisation effects may cause an impact. These should be addressed through site design and project level HRA. This should consider disturbance impacts once more details on site specific layouts are known. This may include locating development away from the Bredon's Hardwick Gravel Pit (ideally at a distance of 400m, the reasons for which are discussed in Section 4.3) and incorporation of visual and noise buffer zones (for instance a barrier created by planting) to screen the development from the lower level bird habitat and minimise urbanisation impacts such as light spill and noise pollution. An analysis of construction and operational noise impacts should be undertaken at the project level. This may require seasonal limits to be placed on particularly noisy activities. Lighting should also be carefully designed to ensure no increased illumination at the bird site. It is recommended that these project level requirements be incorporated into the policy wording for this particular allocation."

The issue is that these recommendations **have not been followed** in either the SWDPR plan policy or in planning application 23/00682/OUT.

Recommendations

Buffering Functionally Linked Land

The SWDPR HRA recommends a 400m buffer from the Functionally Linked Land along the River Avon. This distance takes into account curlews low tolerance to disturbance and also offers some mitigation against predation from domestic cats. Taking into account the screening effect of intervening topography and hedgerows, a 300m minimum buffer may be tolerable. This would need to be in conjunction with the creation/enhancement of a large hedgerow along Bredon Road, to provide visual screening.

With regard to the proposed school, we recommend that further information should be provided on predicted noise levels and the extent of visual screening, in order to determine whether the school can be located within the 300m exclusion buffer without impacting on curlew or whether its location should be changed.

Reference can be made to [TIDE toolbox - TIDE tools \(tide-toolbox.eu\)](http://TIDE toolbox - TIDE tools (tide-toolbox.eu)) and NatureScot Research Report 1283 - Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species | NatureScot.

Carrant Brook

The Mitton Concept Plan and the masterplan for the live planning application both propose a recreation area along Carrant Brook, where development is not possible due to it being floodplain.

Recreational use would disturb curlew and mean that they are no longer able to use these fields for foraging.

We suggest creating a nature reserve along the Carrant Brook. In particular this should include a quiet area with limited public access opposite to Cowfield Marsh, complementing this area of natural habitat. Waterbodies and dense scrub can be used to guide human access and to deter cats. The nature reserve area should include wetland-type habitat enhancement that contributes towards biodiversity net gain. There may be potential to tie this in with the site's sustainable drainage plans, through having a more innovative nature based design. This would also assist with flood mitigation. It should be recognised however that although a range of species would benefit from this approach, it is still likely that curlew will no longer use the fields due to the proximity of people.

In addition it should be recognised that there may be cumulative impacts between this allocation / proposal and the 10,000 homes 'garden community' at Ashchurch, which is also located on the Carrant Brook and is less than 1km away. We advise that consideration should be given to the role this brook could play in nature recovery, including as a space for the delivery of mandatory Biodiversity Net Gain from development. Both Wychavon and Tewkesbury Borough Council's should consider this.

Active travel

The proposed active travel route should be relocated away from Cowfield Marsh, in order to avoid impacting on this Local Site and disturbing bird species.

Site viability

Natural England is aware that a buffer on the west of the site to protect breeding curlew populations plus further measures along Carrant Brook could impact on site viability. We consider that this is a matter for the Local Planning Authority.

Conclusion

The site allocation and proposed development would negatively impact on curlew, which is a Priority species under the NERC Act (2006) and species of High Conservation Concern in the UK. Curlew is included within the bird assemblage for which the Severn Estuary Special Protection Area (SPA) is designated. Potential disturbance to populations breeding, feeding and roosting at Bredon's Hardwick gravel pits and Mitton could be mitigated by having a buffer zone with no development and improving hedgerow screening. However, it is unlikely that curlew will continue to use the development site itself for foraging. There are considerable alternative foraging options along the river, however, we advise that the cumulative impacts of development along the Carrant Brook should be considered in light of the council's responsibilities towards nature recovery as set out in the Environment Act 2021. Curlew populations are in such a state of decline that local losses could have national implications.

I trust that this position statement is useful in informing the forthcoming both the Local Plan Examination and the live planning application W/23/00682/OUT.

Yours sincerely

Hayley Fleming
Planning for a Better Environment – West Midlands Area Team

Appendix

Case history / timeline

5 April 2022	18/00771/OUT – Consultation on planning application for 500 houses. NE advised that HRA was required. Our ref 387990.	Planning application: 18/00771/OUT - Wychavon District Council
25 April 2022	NE received information on Cowfield Marsh Local Site from Wychavon District Council.	
10 October 2022	18/00771/OUT (appeal) – Consultation on Habitat Regulations Assessment for planning application. NE agreed with conclusion that there was no adverse effect on integrity.	Planning application: 18/00771/OUT - Wychavon District Council
25 November 2022	APP/H1840/W/22/3301742 – Appeal was dismissed.	Reference: APP/H1840/W/22/3301732 (planninginspectorate.gov.uk)
17 April 2023	Application 23/00682/OUT submitted to Wychavon District Council.	Planning application: W/23/00682/OUT - Wychavon District Council
18 May 2023	NE was contacted by Kemerton Conservation Trust regarding potential impacts on curlew.	
8 June 2023	NE contacted Malvern Hills & Wychavon Planning Policy Team to alert them to new concerns.	
21 June 2023	NE contacted planning application case officer to alert them to new concerns.	
July 2023	Technical discussions with local bird experts, Mike Smart Wildfowl & Wetlands Trust, Kane Brides WWT and Eric Palmer Link Ecology.	
19 July 2023	NE responded to 23/00682/OUT, requesting an updated HRA with improved consideration of impacts on functionally linked land relating to the Severn Estuary SPA, and provision of mitigation relating to recreational impacts on the Malvern Hills SSSI. Our reference 437806.	Planning application: W/23/00682/OUT - Wychavon District Council
23 August 2023	Ecologists at EDP requested pre-application advice from NE's discretionary advice service.	
7 September 2023	Virtual meeting with ecologist at EDP.	
22 September 2023	NE provided planning application case officer with an update following meeting with EDP	

5 October 2023	NE provided EDP with a written summary of our advice.	Copy of email attached
10 November 2023	EDP submitted a request for a site meeting. NE declined as site flooded.	
20 November 2023	Planning policy team received Examiners questions.	017f5b_dd80e25191234ce58b3f3cac8ec348fb.pdf (localplanservices.co.uk)
27 November 2023	NE contacted local bird experts for further input.	
1 December 2023	Hayley Fleming NE met Mike Smart and colleague at Cowfield Marsh, to assess access and suitability for curlew.	
12 December 2023	Virtual meeting with Malvern Hills & Wychavon Planning Policy Team.	

From: Burlachka, Yana
Sent: 05 October 2023 11:39
To: [REDACTED]
Cc: Fleming, Hayley
Subject: Document Issue No. 37 - edp3440 - Land East of Tewkesbury Road, Bredon's Hardwick (Mitton Bank)

Categories: Casework

Hi Mike,

Hope you are keeping well.

This is just a follow up from me with regards to the shadow HRA report you have shared with me.

We have not received the official consultation request from the Council on this report. Below I have included some comments on the shadow HRA and notes from our recent meeting you may find helpful.

Status of the functionally linked land

- NE has confirmed that the breeding Curlew at Bredon Hardwick is of the SPA importance based on the second criteria in the NE report [Identification of wintering and passage roosts on functionally linked land of the Severn Estuary - Gloucestershire and Worcestershire \(Phase 5\) - NECR401 \(naturalengland.org.uk\)](#) and fits with the definition of the Functionally Linked Land (FLL) supporting part of Curlew lifecycle.
- The Curlew spend winter on the SPA and move inland in the Spring, with approximately 35 pairs breeding on wetlands along the Severn and Avon Vales. They return to the same spot each year. Curlew nest on the ground, and this puts them at risk of predation e.g. from foxes and cats. They need to be alert to risk, so they are sensitive to disturbance e.g. by people and dogs putting them up, visual disturbance when they see something, and they are also sensitive to noise.

Buffering the functionally linked land

- We disagree with the statement in Para 5.50 that whilst areas designated as FLL are within 30m of the Application Site, the areas that the curlew use for breeding are located in the fields adjacent to the River Avon, the vast majority of which are located over 400m from the Application Site boundary. The functionally linked land areas have been identified for their importance to the SPA species and should be treated as a whole.
- As discussed at the meeting, a disturbance buffer for Curlew should start from the contour of Bredon Hardwick functionally linked land polygon (shape files supporting NE Report NECR401). This is because they nest and raise chicks on the surrounding fields rather than on the waterbody.
- We discussed the size of buffer that would be required to mitigate impacts on curlew. The Local Plan HRA recommends a 400m buffer. This was informed by the Thames Basin Heath strategy, where a 400m development exclusion zone is applied in order to protect heathland birds from the effects of recreation and urbanisation. We agree with the view in the shadow HRA that an exclusion buffer does not necessarily need to be 400m but needs to be tailored to the situation. Here, we are dealing with a different species and habitat, and with functionally linked land rather than the Special Protection Area itself.
- We disagree with the Paras 5.50 and 5.54 that cats typically have an impact within a 148m radius in a peri-urban location (Hanmer et al (2017) 'Urbanisation influences range size of the domestic cat (felis catus)' J. Urban Ecol., 3 (2017)). I have reviewed this report, which aims to investigate how degree of urbanisation affects cat ranging behaviour. It uses Global Positioning System trackers to follow 38 cats in urban, suburban and peri-urban residential areas in the large town of Reading, UK. The 148 radius you are referring to is related to the median maximum distance, with maximum 278m. The report's conclusions/discussion to mitigate this range in peri-urban location is presented below.
- *"The median maximum distance reached from home was 99 m, and again varied with level of urbanisation (urban: 79 m; suburban: 141 m; peri-urban: 148 m; maximum 278 m). As urban areas grow, many areas containing species of conservation importance are encroached upon by residential zones on urban fringes. To protect these species we suggest that boundary habitats should be managed to reduce rates of cat access to these areas, or that buffer zones of 300–400 m should be formed between housing and areas containing vulnerable species."*
- *"We find strong evidence for an effect of urbanisation on cat roaming behaviour. Cats residing in areas with a smaller proportion of constructed surfaces (buildings, artificial surfaces etc., i.e. less urban) ranged further than those in more urbanised habitats. Overall, our results suggest a buffer zone of ~335 m between peri-urban housing and areas of conservation concern would be appropriate. This finding may also help urban planners and conservation biologists consider the possible local effect of cat predation at different levels of urbanisation. In suburban areas, similar 'effect' zones would be ~200 m and in urban areas ~145 m in radius."*
- *"The minimum exclusion zone distance for the most urbanised area was less than half the size of the peri-urban area (distances of 146, 204 and 334 m for urban, suburban and peri-urban sites, respectively). The exclusion zone calculated for the peri-urban area is similar to that found by Thomas et al. (2014)."*
- *"Furthermore, it is important to consider how cats adjacent to exclusion zones respond to the presence of cat-free areas. If cat density is the driver of range size (Hall et al. 2016b) then creating cat-free areas may encourage them to enter the exclusion zones and potentially range further into the areas they are meant to be excluded from. Therefore, we must err on the side of caution and consider larger exclusion zones than the tracking data may suggest (Lilith et al. 2008)."*
- The shadow HRA Paras 5.56-5.63 discusses Noise and Visual Disturbance. It rules out most of the potential impacts based on the application site being well separated by the road, topography and mature vegetation on its eastern and western flanks. However the discussion does not provide any factual information on the noise levels expected during construction and operational phases for the development. We therefore advice that a [noise impact assessment](#) should be carried out to understand any impacts and mitigation measures if required.

- As referred to at the meeting, there is a 'Waterbird Disturbance Tool Kit' which can be utilised. It provides a process whereby the level of potential disturbance (noise and visual disturbance) to waterbirds from a range of construction activities on or adjacent to wetland systems can be assessed. This recommends a buffer distance of up to 300m for more sensitive species such as Curlew.
- Taking into consideration the combination of the potential impacts on Curlew, in our opinion 300m would be an acceptable buffer, providing that other additional measures were incorporated such as widening of hedgerows with some prickly planting to deter cats and additional acoustic measures if recommended in the noise impact assessment.

Flight connections

- We raised concerns about the potential impact of the allocation on flight connections from a separate block of functionally linked land just to the south, identified as Mitton FLL (Gellers Farm), and the Cowfield Key Wildlife Site (KWS). Information from local birders includes records of Curlew on Cowfield KWS and indicates that they fly between these sites. We advised that further information should be obtained to clarify any potential connections between two sites. If there is a connection then visual impacts of flying across houses need to be considered. In addition recreational pressure and urbanisation effects on Cowfield Key Wildlife Site need to be considered. We advised further discussion with local bird experts i.e. Mike Smart.

Implications for this site

- Natural England recognises that avoiding impacts on curlew constrains the developable footprint of this site. We suggested that both phases of the Mitton allocation could be looked at as a whole, to see if the required number of houses can be delivered away from the most sensitive areas for FLL and KWS. This would mean re-drawing the site masterplan. You mentioned that you are going to discuss this aspect with the relevant persons. We would also suggest discussing this with the Local Planning Authorities, Tewkesbury and Wychavon.

Further information

- The Wildfowl and Wetland Trust has a lot of information on Curlew which include the Severn and Avon Vales Curlew project you may find useful - [Eurasian curlew recovery | WWT](#).

I hope this is of assistance.

Kind regards,
Yana

Yana Burlachka

Lead Adviser,
Planning for a Better Environment - West Midlands Area Team
Natural England



We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's landscapes are safeguarded for future generations.

