

**From:** Robert Hutchinson <Robert.Hutchinson@surreywt.org.uk>  
**Sent:** 14 August 2025 16:44  
**To:** Cliff Thurlow; Statutory  
**Cc:** Lidia Harrison  
**Subject:** 2025/245 - Land South Of Barrow Green Road Oxted,  
**Attachments:** 250814\_387531-001-RH\_Land South of Barrow\_2025-245\_RH.pdf

Hi Cliff

Please see attached.

Happy to discuss, if required.

Best regards

Rob



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Date: 13/08/2025

Our reference: 387531-001-RH



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Dear Cliff

**Planning reference: 2025/245**

**Proposals: Outline application for a residential development of up to 190 dwellings (including affordable homes) (Use Class C3), an extra care facility with up to up 80 beds (Use Class C2), together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure, and all other associated development works. All matters reserved except access**

**Site Address: Land South Of Barrow Green Road Oxted,**

Thank you for consulting with Surrey Wildlife Trust with regards to the above planning application. Our advice is restricted to ecological issues and does not prejudice further representation Surrey Wildlife Trust may make as a non-statutory organisation on related, or other, issues. We do not comment on whether a planning application should be granted or refused, but rather provide a technical review of the ecological information that has been submitted to ensure that all ecological aspects have been appropriately considered prior to determination or discharging of conditions.

The Local Planning Authority (LPA) has a duty to conserve biodiversity in line with the planning and legislative context. Relevant legislation and planning policies are detailed in Appendix 1. We have reviewed the relevant application documents submitted on the planning portal, and other relevant publicly available information, and assessed these against published best practice guidance to determine whether the submitted information was sufficient for the LPA to assess the planning application. Following this, we assessed the proposals against relevant legislation and planning policy and recommended an appropriate course of action to ensure that the LPA is fulfilling its duty to conserve biodiversity.

Our advice and recommendations are detailed below. This consultation response is valid for one year. Should further project information or amended designs be provided or submitted to the planning portal we may need to update our response accordingly.

### **General**

**The LPA may wish to consult with Natural England on the matter of Statutory Designated Sites.** To include Woldingham & Oxted Downs Site of Special Scientific Interest, which is approximately 1km north of the application site.



## The Bogs pSNCI and Ancient Woodland

### Context

The Preliminary Ecological Appraisal (Ecology Partnership, December 2024) details the presence of 'The Bogs' potential Site of Nature Conservation Importance (pSNCI). The Ecology Partnership state that this is "...located adjacent to the south-west of the site".

Section 3.4 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) states that there are numerous ancient woodland parcels surrounding the application site to include "...a c2.2ha area adjacent to the southern boundary".

Section 3.4 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) details the presence of priority deciduous woodland parcels "...an area which overlaps the southern site boundary". Ecology Partnership has recorded priority wet woodland in the south of the application site. The location of these habitats is shown in Appendix 2 Habitat Map.

Chapter 19 of the Tandridge Local Plan Part 2: 2014 -2029 (Adopted Version July 2014) states of pSNCI that *"The Council will undertake a review of these sites in due course. The policy will be applied to existing SNCIs, pSNCI and, following a review, to any retained or new sites. Potential SNCIs are not protected sites but may have the potential to be so; however because of access or ownership issues they have not been surveyed. Applications affecting a pSNCI will normally allow the potential of the site to be assessed"*.

Policy DP19: Biodiversity, Geological Conservation & Green Infrastructure is relevant for the pSNCI, the ancient woodland, the wet woodland and the lowland mixed deciduous woodland.

The allocation of 'The Bogs' as a pSNCI is based upon a status survey carried out by Surrey Wildlife Trust on the 3<sup>rd</sup> May 2007. The recommended boundaries and extent of the pSNCI is provided in a map within the status survey report. This recommended boundary does match the mapping shown on the Tandridge District Council Planning Policies Map<sup>1</sup>.

The recommendation was made in 2007 due to the presence of wet woodland and up to fourteen ancient woodland indicator species. An online search of the Natura England Ancient Woodland Inventory shows that approximately 2.2ha of 'The Bogs' is identified as being ancient and semi-natural woodland. The Natural England Ancient Woodland Inventory mapping does match the information supplied in Section 3.5 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024). Therefore the online mapping evidence is that the ancient and semi-natural woodland does not cover the whole area of 'The Bogs SNCI'.

### pSNCI Extent

The Environmental Statement Volume 2 – Chapter 10: Ecology states in Table 10.4 that 'The Bogs' pSNCI is adjacent to the south-west boundary and that it is assumed to be proposed for selection as an SNCI due to the ancient / wet woodland habitat.

The red line boundary of the proposed development along the southern boundary mirrors the route of a watercourse. There are pockets of habitat, which has been identified by the Ecology Partnership as being priority wet woodland and priority deciduous woodland, north and east of this watercourse 'Other rivers and streams' in Appendix 2: Habitat Map'. This area of wet woodland and the strip of deciduous woodland on the southern boundary of the application site are within the boundaries and extent of the proposed pSNCI. **Therefore based upon the boundaries and extent of the pSNCI, 'The Bogs' is located within the application site.**

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<sup>1</sup> [Tandridge District Council Planning Policies'](#)

**The Preliminary Ecological Appraisal (Ecology Partnership, December 2024), the Environmental Statement Volume 2 – Chapter 10: Ecology and the overall proposal submission is therefore not based upon the proposed boundary of ‘The Bogs’ pSNCI.**

**Therefore the Preliminary Ecological Appraisal (Ecology Partnership, December 2024), the Environmental Statement Volume 2 – Chapter 10: Ecology (and the arboricultural submission) has not assessed the proposal against the full extent of the pSNCI.**

Impact upon the Bogs pSNCI and the Priority Wet Woodland

In this section, where we refer to ‘wet woodland’ it is in reference to the wet woodland within ‘The Bogs’ pSNCI south of the watercourse and the priority wet woodland identified north of the watercourse (which is located within the red line boundary but still within the pSNCI).

The priority wet woodland within the ‘The Bogs’ pSNCI south of the watercourse is part of the ancient & semi-natural woodland shown on the Natural England Ancient Woodland Inventory.

However the priority wet woodland north of the watercourse is not within the Natural England Ancient Woodland Inventory and has not been assessed by the Ecology Partnership or Temple as being ancient & semi-natural woodland. Further review of this matter is provided under the sub-section ‘Biodiversity Net Gain – Irreplaceable Habitats’ of this consultation.

The presence of the priority wet woodland north of the watercourse, within the red line boundary and within the pSNCI, remains a material consideration in the determination of the planning application. Habitats listed under Section 41 of the Natural Environment and Rural Communities Act (2006) are known as Habitats of Principal Importance ‘or Priority Habitats’

The Oxted and Limpsfield Residents Group has engaged Hydro-GIS Ltd<sup>2</sup> to advise them on a review of the flood risk. Given that the author of this consultation is not a qualified hydrologist, we have also sought the advice of Hydro-GIS Ltd in the preparation of this consultation.

Hydro-GIS Ltd<sup>3</sup> state a conclusion that:

- *“There is a brief discussion in the Hydraulic Modelling Report of how the proposed changes will impact the areas surrounding the site, including The Bogs. However, the result shows a reduction in flood levels to the south of the site, which would also mean a reduction in flow to The Bogs. Given the area of ancient woodland with a wet woodland dominated landscape, a reduction in flow may not be a desirable outcome, and could have adverse impacts on the biodiversity of the area. The hydraulic modelling studies should go further to demonstrate what would happen on a higher frequency lower magnitude basis, and look at a typical annual water balance to identify the full impact to The Bogs”.*
- *“Given the limited information which has been provided, the FRA should be rejected by Tandridge District Council. A separate report should be requested to specifically consider the impact of the development on The Bogs, which would cover all aspects of the hydrology, not just the flood risk”.*

Section 10.7.11, 10.7.12 and 10.7.15 of the Environmental Statement Volume 2 – Chapter 10: Ecology provides the ‘anticipated effects’ of the proposal upon the pSNCI, the ancient

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<sup>2</sup> Hydro-GIS Ltd (May 2025) Stoney Field Barrow Green Road, Oxted, RH8 0NN Review of Flood Risk V2 Final Report. For: Oxted and Limpsfield Residents Group.

<sup>3</sup> Hydro-GIS Ltd (May 2025) Stoney Field Barrow Green Road, Oxted, RH8 0NN Review of Flood Risk V2 Final Report. For: Oxted and Limpsfield Residents Group.

woodland and the wet woodland. This primarily covers the potential for a physical and direct impact upon the habitat(s), and therefore outlines the implementation of a minimum 15m buffer zone from the ancient woodland and a Construction and Environmental Management Plan.

Section 10.7.15 of the Environmental Statement Volume 2 – Chapter 10: Ecology has consideration for hydrology. **However the Environmental Statement Volume 2 – Chapter 10: Ecology, and Preliminary Ecological Appraisal (Ecology Partnership, December 2024) do not demonstrate a full assessment of the potential impacts upon ‘The Bogs’ pSNCI (to include the ancient wet woodland) and the priority wet woodland.**

This is primarily because there is insufficient information provided on the baseline hydrological regime of ‘The Bogs’ pSNCI, and the evidence submitted that there will not be an adverse impact upon the pSNCI and the wet woodland. There appears to be no monitoring of ‘The Bogs’ pSNCI throughout the seasons in a year to understand the hydrological interaction between the site and the pSNCI. There is no evidence of a technical review and assessment of the proposed location of the detection basins/SuD in the south-west of the application site and the location of development and how this may change the movement of water (surface and groundwater) and the amount of water that ‘The Bogs’ pSNCI will (or may) receive.

Temple<sup>4</sup> outline that the unnamed stream along the western site boundary will be retained and protected through a buffer, however, we understand that this is not the only source of potential hydrological interaction between the application site and ‘The Bogs’ pSNCI. Figure 21 in the report by Hydro-GIS Ltd<sup>5</sup> shows flow paths towards ‘The Bogs’ pSNCI from the application site. Temple<sup>6</sup> state that “*A small spring is also present within the site and also feeds into the stream, however, the development will not restrict the flow of water from this spring into the stream*”. The relationship between the spring (to include groundwater) and ‘The Bogs’ pSNCI does not appear to be detailed or assessed. The location of the spring is not completely clear to us in review of Appendix H of the Drainage Strategy (as outlined by Section 4.15 of the Flood Risk Assessment and Drainage Strategy (Motion, February 2025).

Planning Practice Guidelines from Natural England and the Forestry Commission (14<sup>th</sup> January 2022) states that

- “*Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by*
- *changing the water table or drainage*”

Wet woodland, especially, ancient, has the potential to support a unique woodland ecosystem of species to include birds, plants and invertebrates. Historical mapping available from 1839 shows evidence of (likely) wet woodland in the location of the pSNCI. We understand that a citation of the pSNCI is wet alder woodland below escarpment. In terms of the ecology of the wet woodland within The Bogs’ pSNCI, we have found no assessment or consideration by Ecology Partnership or Temple, on the vulnerability of the habitat, as a habitat for species, to a potential change. The potential for a change to the woodland, could extend to hydrological aspects and potential pollution pathways but also the proximity of the large development.

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<sup>4</sup> Environmental Statement Volume 2 – Chapter 10: Ecology

<sup>5</sup> Hydro-GIS Ltd (May 2025) Stoney Field Barrow Green Road, Oxted, RH8 0NN Review of Flood Risk V2 Final Report. For: Oxted and Limpsfield Residents Group

<sup>6</sup> Environmental Statement Volume 2 – Chapter 10: Ecology



**We would conclude that there is insufficient evidence for us to confirm that the proposed development will not have an adverse effect upon ‘The Bogs’ pSNCI, the ancient & semi natural (wet) woodland and the priority wet woodland.**

Section 10.7.30 of the Environmental Statement Volume 2 – Chapter 10: Ecology outlines the assessment that The Bogs pSNCI is private, and that there is limited access. A fence will be installed to deter entry into the woodland. Temple assess therefore that “*recreational impacts on this woodland associated with the development are unlikely to be significant*”. As outlined above in the consultation however, The Bogs pSNCI is within the application site.

Therefore there will be access ‘into’ The Bogs pSNCI. This means that there will be the potential for an impact upon pSNCI through recreational pathways. Although the amount of pSNCI within the application site is minor compared to the extent to the south/south-west.

Further review on ancient & semi-natural woodland is provided under the sub-section ‘Biodiversity Net Gain – Irreplaceable Habitats’ of this consultation and should be noted.

However if the application is deemed to be granted, then full detail of a strategy to protect The Bogs pSNCI through the construction and operational phases should be secured and submitted to the Local Authority.

#### **Protected Species – Amphibians**

Section 3.5 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) outlines the presence of one pond within 14m of the application site. This is stated to be within a private garden to the west of the site. The location of the pond appears to be within the boundary of ‘The Bogs’ pSNCI. In Section 3.20 to 3.21 of the Preliminary Ecological Appraisal, the Ecology Partnership scope out the potential for the application site to support great crested newt. Based on the review of the material, this appears to be a valid conclusion.

However given the wet woodland on and adjacent to the application site, there will be the potential for amphibians to be present on-site. For example common toad. If the application is granted, then a Construction and Environmental Management Plan should be secured, and habitat creation and enhancement should be secured for amphibians.

#### **Protected Species – Bats**

Section 4.7 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) details the presence of a single large mature oak tree in the west of the site. The tree is assessed to have high suitability to support roosting bats. We recommend that the tree is protected throughout the construction and operational phases of the proposed development.

This should extend to the protection of the tree from lighting. Full detail of the lighting scheme should be secured through a Sensitive Lighting Management Plan if the application is granted.

If the application is granted, then the proposed development should proceed in line with all of the recommendations within the Bat Activity Surveys (Ecology Partnership, December 2024).

This includes Section 4.0 on the commuting and foraging habitat, lighting recommendations, and enhancements, which includes strengthening commuting features. If the planning application is granted, then the following should be secured:

- Construction Environmental Management Plan.
- Sensitive Lighting Management Plan.
- Landscape and Ecological Management Plan.

#### **Protected Species – Birds**

Section 3.24 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) outlines the presence of suitable habitat for birds within the woodland and scrub. The Preliminary Ecological Appraisal and the Environmental Statement Volume 2 – Chapter 10: Ecology provide a standard recommendation of the timing of any clearance works.

The proposed development site is dominated in area by arable habitat. The ecological submission have no regard or consideration for birds associated with farmland or arable habitat, such as skylarks. The photographs in the Preliminary Ecological Appraisal (such as 8 and 9) show an arable habitat that is unlikely to be used by species like skylark.

However, Photograph 6 in the Preliminary Ecological Appraisal shows shorter grass in the background to the bare ground. Plate 1, Plate 2 and Plate 4 in the Archaeological Desk Based Assessment shows a habitat on-site as been short sward grassland/arable. In the Heritage Report, Plate 4 appears to show short sward grassland / crop. Therefore the photograph 8 and 9 in the Preliminary Ecological Appraisal does not appear to be consistent condition of the habitat height. **We would therefore conclude that there is insufficient consideration for ground nesting birds, such as skylark in the application submission.**

Section 10.5.23 of the Environmental Statement Volume 2 – Chapter 10: Ecology states *“During all survey work significant numbers of dog walkers were observed around the edges and along the footpath which runs through the centre of the field. As such, the arable habitat on Site was considered unlikely to support significant numbers of ground nesting and farmland birds, owing to the high levels of disturbance on site from dogs and people”*.

However we have not found any evidence of this assessment and evaluation in the Preliminary Ecological Appraisal or in the Environmental Statement Volume 2 – Chapter 10: Ecology. We have not found any evidence that Temple has visited the site (for example a date of a site visit in a methodology), therefore it is unclear how this conclusion has been made.

Even if there was a baseline level of recreational disturbance which limits the likelihood of a ‘significant numbers’ of ground nesting birds, a low number of territories would still be material to the determination of the planning application. For example, Skylark is a Species of Principal Importance. The evidence base and justification for Section 10.5.23 remains unclear.

The Preliminary Ecological Appraisal does not include an impact assessment and mitigation strategy for birds. It outlines the nesting bird season. Section 10.5.23 of the Environmental Statement Volume 2 – Chapter 10: Ecology states *“Overall, it is considered that the likely bird assemblage utilising the Site would be of low environmental value/sensitivity”*.

**There is no evidence submitted that the bird assemblage would be of low environmental value/sensitivity, as the baseline bird assemblage of the application site is unknown.**

Policy DP19 states that *“Planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place”*.

Section 10.7.49 of the Environmental Statement Volume 2 – Chapter 10: Ecology states *“An increase in local residents is likely to result in the increase of pets, including cats, which are known to predate on birds. Cat predation may result in loss of population of Priority BoCC species which may be using the habitats on the boundary of the Site”*. There is no evidence submitted on the bird assemblage of the application site, and the extent to which it supports birds listed as being a Species of Principal Importance (or as a Bird of Conservation Concern).

**Therefore the impact that cat predation (and any other impact) would have upon priority species of bird is unknown and is not evidenced in any of the ecological submissions.**

In our opinion, the assessment for birds should extend to the 'The Bogs' pSNCI, if there is the potential for a change in the hydrology<sup>7</sup> of the wet woodland on-site and adjacent to the site (more in the 'Impact upon the Bogs pSNCI and the Priority Wet Woodland'). Wet woodland for example can support bird species such as willow tit and lesser spotted woodpecker. Both species are listed as being Species of Principal Importance, and they are on the red list<sup>8</sup>.

However, if the planning application is granted, a Construction and Environmental Management Plan should be secured, and habitat creation and enhancement should be secured for birds as part of the proposed development.

### **Protected Species – Hazel Dormouse**

Section 3.18 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) outlines the presence of potential hazel dormouse habitat on-site. However, based upon the presence/ absence surveys carried out, the species is assessed by The Ecology Partnership as being likely absent. The presence of the species in the local landscape and the lack of any detailed survey within the adjacent ancient & semi-natural woodland is however noted.

If the application is granted, then a Construction and Environmental Management Plan should be secured, and habitat creation and enhancement should be secured for hazel dormouse and other small mammals. This should be in line with the recommendations provided in Section 5.3 of the Hazel Dormouse (Ecology Partnership, December 2024) report.

### **Protected Species – Invertebrates**

The habitats within the site includes deciduous & wet woodland, priority hedgerows, field margins and a watercourse. Therefore the site has the potential to support terrestrial and aquatic invertebrates. The Arboricultural Impact Assessment (Barton Hyett Associates, July 2025, Revision B) details a number of trees which are 'notable', such as Tree T16.

The proposed development will impact upon other neutral grassland, native hedgerow and a line of trees. It appears likely that field margins will also be impacted and a drainage pipe will be installed in the woodland in the south of the site. The development will result in an increase in lighting in proximity to the woodlands, mature tree and hedgerows.

Natural England Standing Advice states that developers should submit information with their planning application on how their development proposal avoids or mitigates harm to invertebrates. In our opinion, this should extend to the adjacent 'The Bogs' pSNCI, if there is the potential for a change in the hydrology of the wet woodland on and adjacent.

The Environmental Statement Volume 2 – Chapter 10: Ecology, and Preliminary Ecological Appraisal (Ecology Partnership, December 2024) have no appraisal, assessment or consideration for invertebrates. **In the absence of any assessment for invertebrates, we have insufficient information on the species group to review the application.**

### **Protected Species – Reptiles**

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<sup>7</sup> And the risk of increased cat predation.

<sup>8</sup> Birds of Conservation Concern 5 (Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds 114: 723-747". [bocc-5-a5-4pp-single-pages.pdf](#)



Section 3.23 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) outlines the presence of potential reptile habitat on-site. The presence/likely absence surveys on-site recorded the presence of slow worm, and the population is assessed to be 'Good'.

The presence of grass snake has not been ruled out, and we would agree with this.

An outline reptile strategy is submitted within the Reptile Survey (Ecology Partnership, December 2024). If the application is granted, then a Reptile Mitigation Strategy should be secured through a planning condition. This will need to have assessment and strategy for the construction and operational phases of the proposed development.

### **Protected Species – Badger**

Section 4.15 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) states "*However, badgers are a mobile species and could establish new setts within the suitable woodland and scrub habitat within the site. Therefore, it is recommended that an update badger survey is carried out prior to development to ensure no new evidence of badgers is found onsite*". **We agree with this recommendation. The recommendation should be secured through a planning condition, if the application is granted.**

### **Protected Habitats – Hedgerow**

Section 4.4 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) details the presence of native hedgerows on-site. The Preliminary Ecological Appraisal states "*It is recommended that these habitats be retained within the masterplan, protected throughout construction and enhanced. Any unavoidable lost should be compensated for through creation of new like for like habitat to be managed to the higher condition*".

Section 3.13 of the Preliminary Ecological Appraisal (Ecology Partnership, December 2024) states that the hedgerow on-site contains hawthorn, field maple, dog rose, wayfaring tree, ash, sycamore, traveller's joy, and ivy. This is assessed to be a Habitat of Principal Importance.

The Environmental Statement Volume 2 – Chapter 10: Ecology refers to this as a 'species-poor hedgerow' however it is an Important Hedgerow. In the Biodiversity Net Gain Assessment, the hedgerow is classified as being a 'Native Hedgerow', and therefore it has a low distinctiveness. However the classification of species-poor hedgerow is not clearly evidenced. The outline species list of the hedgerow contains at least five woody species.

**It is unclear where the assessment of 'woody' species has been provided to show evidence that it is species-poor, as opposed to species-rich. If species-rich, for example, then the biodiversity net gain assessment would need to be updated accordingly. It is unclear where the Important Hedgerow assessment has been reported.**

Section 10.6.1 of the Environmental Statement Volume 2 – Chapter 10: Ecology details that the construction phase will result in the permanent loss of a section of hedgerow in the north-east for a site access. **However the overall submission, to include ecological, does not include any reference to the implementation of the mitigation hierarchy.** The hedgerow has been confirmed as being a Habitat of Principal Importance, and there is no evidence of the Applicant having consideration for an alternative access location, which would not result in the loss of any hedgerow. It is acknowledged that an alternative design may require the loss of bramble scrub, however bramble scrub is not a Habitat of Principal Importance.

A ES Volume 2: Main Text Chapter 4: Alternatives Considered and Design Evolution has been submitted. This does not raise the Habitat of Principal Importance as a constraint on-site.

Figure 4.8 shows an ‘Initial Masterplan Concept’ which does not show an access through the location of the hedgerow. However 4.9 the Illustrative Masterplan is apparently amended to include the severance of the hedgerow. There is no evidence that the hedgerow was considered as an important matter / constraint, or that effort to avoid the impact was attempted.

### **Biodiversity Net Gain – Irreplaceable Habitats**

We have carried out research, to include mapping archives, of the woodland associated with ‘The Bogs’ pSNCI. The extent of the ancient woodland inventory mapping, and the mapping of the ancient woodland by the Applicant’s ecologist, has been discussed above.

However we are particularly interested in why the woodland north and east of the watercourse has been discounted as being ancient & semi-natural woodland, whilst it is part of the pSNCI.

The importance of this matter is material to this application. For example, if present within the application site, then the 15m buffer of the proposed development would be inaccurate and the scheme would need to be re-assessed in terms of ancient and semi-natural woodland.

The Environmental Statement Volume 2 – Chapter 10: Ecology, and Preliminary Ecological Appraisal (Ecology Partnership, December 2024) do not provide an evidence-based scope out of the woodland habitat north and east of the watercourse as being ancient.

It would appear that there is a reliance upon the Natural England dataset. The issue of mapping small areas of ancient woodland, especially through archives, is a known limitation.

Therefore in our opinion, there should be caution in excluding small areas of woodland from being ancient, purely on mapping data alone. On the 25<sup>th</sup> July 2025, Woolf Bond Planning prepared a letter to Tandridge District Council (REF; SB/9060). This includes a section of ‘Ancient and Semi-Natural Woodland Matters ASNW’. In the letter (Ref: SB/9060) it states:

- *“The ecologist’s conclusion on the extent of ASNW is based upon the Ancient Woodland Inventory (AWI) which was created through review of old maps to determine areas that had been continuously wooded for over 500 years. The woodland within the Site itself is not included in the inventory and did not feature the ancient woodland indicators typical of ancient woodland, instead comprising alder, with very sparse understorey and a ground layer dominated by nettles and other species associated with nutrient enrichment.”*

The Environmental Statement Volume 2 – Chapter 10: Ecology, and Preliminary Ecological Appraisal (Ecology Partnership, December 2024) provide no evidence of assessing ‘old maps’ or mapping archives. We disagree that the woodland on-site does not feature ancient woodland indicator species. Or there is no evidence that this is the case. Section 3.11 of the Preliminary Ecological Appraisal states *“The woodland in the south of the site was similar in the drier areas in its western and eastern extents”*. This is a comparison with woodland in the north. Ecology Partnership advise that the species present includes British bluebell, wood meadow grass, ramsons and wood anemone. These are examples of indicator species.

In review of the Environmental Statement Volume 2 – Chapter 10: Ecology, and Preliminary Ecological Appraisal (Ecology Partnership, December 2024), we have not found analysis of these indicator species. It is unclear whether this overview in Section 3.11 for at least two woodland parcels on-site, provides a complete list of species present.

The review of historical mapping that we have carried out includes 1895 and the 1960s. In 1895 the woodland is mapped south of the watercourse. However by the 1960s woodland habitat appears north and east of the watercourse. These are the locations of the priority wet

woodland and priority deciduous woodland on-site as mapped by Ecology Partnership in the south of the application site. The Oxted Tithe Map (1839) has correlation with the 1895 map.

However we have also reviewed the Archaeological Desk Based Assessment (RPS Group, February 2025) which contains a number of archive / historical maps. We particularly note Figure 7 of the Archaeological Desk Based Assessment, which is taken from '1809 Plan of Oxted Court Farm'. Figure 7 clearly shows the woodland adjacent to the south of the application site which is mapped by Natural England as being ancient. However, Figure 7 shows a piece of the woodland extending north, and past the red line boundary of the proposed development site, that has been overlaid on the map image. This would appear to overlap with an area of lowland mixed deciduous woodland mapped by Ecology Partnership.

The map that we have found of 1895 is different to the map from 1809. However this may reflect different mapping techniques or requirements. It is appreciated that the map is from 1809, and we note the importance of 1600AD. However we have not found any clear or accurate maps from 1700. Based upon the description of lowland mixed deciduous woodland in the Preliminary Ecological Appraisal, there are ancient woodland indicators in this location (i.e, where the woodland extends over the red line boundary in the Figure 7: 1809).

**Therefore in overall review we are not satisfied with the overall evidence submitted that discounts the presence of ancient & semi-natural woodland within the red line boundary.** It does not appear to be covered in the Preliminary Ecological Appraisal, and it is not covered in the Environmental Statement Volume 2 Chapter 10: Ecology.

The letter (Ref: SB/9060) states "*The woodland within the Site itself is not included in the inventory and did not feature the ancient woodland indicators typical of ancient woodland, instead comprising alder, with very sparse understorey and a ground layer dominated by nettles and other species associated with nutrient enrichment*".

However this appears to omit the deciduous woodland parcel east of the priority wet woodland on-site. There is also opinion that pendulous sedge (as found in the priority wet woodland on-site) can be an indicator of ancient woodland<sup>9</sup>, when found in proximity to other indicators<sup>10</sup>.

### **Biodiversity Net Gain - Approach**

We have carried out a review of the biodiversity net gain assessment as submitted – Ecology Partnership do not assess that an irreplaceable habitat is located on-site, within the red line.

However our review above is important, as the presence of ancient & semi-natural woodland within the application site would require an update to the Biodiversity Net Gain strategy.

The LPA may therefore wish to require sufficient evidence on the approach taken to dismiss the presence of ancient & semi-natural woodland within the application site before the Biodiversity Gain Condition is discharged, if the application is granted.

### **Biodiversity Net Gain – General**

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. However, Biodiversity net gain is not just

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<sup>9</sup> The Wild Flower Key (March 2006, Dr. Francis Rose).

<sup>10</sup> Acknowledged that pendulous sedge can also be associated as not being an indicator of ancient woodland and can occur across a range of different habitats.

a post-permission matter. To ensure the biodiversity gain objective is met, it is important that biodiversity net gain is considered throughout the planning process.

Paragraph: 019 Reference ID: 74-019-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states that:

- The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.
- Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.
- However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):
  - The appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
  - Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives (for example policies for design, open space and recreation, and retention of trees); and
  - Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.
  - Prior to the determination of the planning application, decision makers will also want to discuss with the applicant whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.

**This application will be subject to the General Biodiversity Gain Condition and will therefore be required to provide a Biodiversity Gain Plan. Development should not begin unless:**

- **A biodiversity gain plan has been submitted to the planning authority; and**
- **The planning authority has approved the plan.**

Please note that Paragraph: 024 Reference ID: 74-024-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states that:

- *“To ensure applicants are clear about this distinction, the local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission.*
- *There is a separate requirement to provide information about the biodiversity gain condition. This information must be separate to the list of conditions on the decision notice”.*

## Biodiversity Net Gain – Review

Please note that we have not seen the Statutory Biodiversity Metric Calculation Tool used to inform the Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025). This is a limitation, however the clarity of the information in the Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025) has reduced this limitation.

The Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025) provides a habitat baseline which aligns with the Preliminary Ecological Appraisal (Ecology Partnership, December 2024). The feasibility analysis shows that the proposed development has the potential to achieve the minimum +10% for each of the relevant habitat modules.

In review of the Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025) it appears to be the plan that the wet woodland will be retained in a moderate condition.

However as outlined above in this consultation, it has not yet been evidenced that the hydrological interaction of the wet woodland with the application site will be maintained. A change in the hydrological interaction, which results in a loss of the wet woodland, or a deterioration of the condition to low, would influence the biodiversity net gain strategy.

However the extent to which this would impact the feasibility of the scheme to achieve a minimum +10% for modules is not clear. It is feasible that the minimum +10% in biodiversity units could still be achieved for relevant modules. However a significant impact upon the wet woodland priority habitat would not be in line with policy for a Habitat of Principal Importance.

Please note our above review for the hedgerow on-site – ‘Protected Habitat – Hedgerow’. If the hedgerow is a Species Rich Hedgerow, then an update will be required. As with the wet woodland, however, the extent to which this would impact the feasibility of the scheme to achieve a minimum +10% for the hedgerow module is not clear.

Section 2.12 of the Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025) states that:

- *“It should be noted that the application is Outline only, and detailed landscaping will be developed at the reserved matters stage. As such, this assessment would need to be revised once landscaping has been finalised”.*
- *“A detailed Habitat Management & Maintenance Plan will be developed at the detailed design stage to detail the long-term management of the proposed habitats to achieve the targeted habitat conditions, over a 30 year timespan”.*

The Biodiversity Net Gain Feasibility Assessment (Ecology Partnership, February 2025) does not directly reference ‘Significant on-site Enhancement’. However the feasibility assessment for the habitat modules and even if the scheme is amended, if granted, then it is very likely that significant on-site enhancement will be required.

Paragraph: 015 Reference ID: 74-015-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states: *“For the purposes of biodiversity net gain, planning obligations are one of the mechanisms under paragraph 9 of Schedule 7A necessary to secure the maintenance of significant on-site habitat enhancements for at least 30 years”.*

Paragraph 021: Reference ID74-021-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states *“Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 requires that where an applicant relies upon a significant increase in on-site habitat biodiversity value, the habitat enhancement (significant on-site*



*habitat enhancement') must be subject to a planning condition, section 106 agreement, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed".*

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development.

Significant enhancements must be secured for 30 years in the same way as off-site gains.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- Habitats of medium or higher distinctiveness in the biodiversity metric.
- Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development.
- Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development.
- Areas of habitat creation or enhancement which are significant in area relative to the size of the development.
- Enhancements to habitat condition, for example from poor or moderate to good.

Paragraph: 015 Reference ID: 74-015-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) advises that:

- *"If planning obligations are going to be used for biodiversity net gain, it is good practice to submit information about any potential planning obligations which may need to be entered into should the proposal be granted planning permission. For example, if there is a need for:*
  - *"Significant increase of onsite biodiversity enhancements, then applicants are encouraged to provide a draft Habitat Management and Monitoring Plan as part of the application which sets out the proposals for long term maintenance of habitats to be secured through planning condition or planning obligation".*

**We will highlight that the Applicant has failed to provide a draft Habitat Management and Monitoring Plan. The rationale for this is not clear.**

**However, if the application is granted, then the applicant will be required to submit a Habitat Management and Monitoring Plan, in line with a Biodiversity Gain Plan.**

I hope this information is helpful in assisting your consideration of the application. Please contact [planning@surreywt.org.uk](mailto:planning@surreywt.org.uk) if you require any further clarifications with regards to the above.

Kind regards,

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## Appendix 1: National Planning Policy and Legislation

### Conservation of Habitats and Species Regulations 2017 (as amended)

Provides for the protection of Natura 2000 sites (SACs, SPAs and Ramsar sites), European Protected Species and habitats. European Protected Species are protected from:

- Deliberate capture, injury or killing.
- Deliberate disturbance of a European Protected Species, such that it impairs their ability to breed, reproduce or rear their young, hibernate or migrate or significantly affect their local distribution or abundance.
- Deliberately take or destroy effect.
- Damage or destroy a breeding site or resting place.
- Keep, transport, sell or exchange any live, dead or part of a European Protected Species.

European Protected Species include, but are not limited to:

- Great crested newt
- Natterjack toad
- Otter
- Smooth snake
- Sand lizard
- All bat species
- Hazel dormouse

The LPA should be aware of its legal duty under Regulation 9(3) of Conservation of Habitats and Species Regulations 2017, as amended, which states that “*a competent authority in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those function*”.

Also, under Regulation 55 (9b) of the above regulations, the LPA must apply the following three tests when deciding whether to grant planning permission where a Protected Species (bats) may be harmed, in line with of the Conservation of Habitats and Species Regulations 2017, as amended.

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative;
- Favourable conservation status of the species must be maintained.

Natural England has stated that they would expect these three tests to be adequately considered by the LPA before planning permission is granted. Natural England will require evidence from the applicant that the LPA has considered the three tests and how they were met, before a mitigation licence can be issued. Where a mitigation licence is required to avoid breach of legislation, development cannot proceed even where a valid planning permission is granted.

### Wildlife and Countryside Act 1981 (as amended)

Key piece of legislation consolidating existing wildlife legislation to incorporate the requirements of the Bern Convention and Birds Directive. It includes additional protection measures for species listed under the Conservation of Habitats and Species Regulations 2017 (as amended) and includes a list of species protected under the Act. It also provides for the designation and protection of Sites of Special Scientific Interest (SSSI).

Development which would adversely affect a SSSI is not acceptable except only in special cases, where the importance of a development outweighs the impact on the SSSI when planning conditions or obligations would be used to mitigate the impact. Developments likely to impact on a SSSI will likely require an Environmental Impact Assessment (EIA).

The Impact Risk Zones (IRZs) dataset is a GIS tool which details zones around each SSSI according to the particular sensitivities of the features for which it is notified and specifies the types of development that have the potential to have adverse impacts. Natural England uses the IRZs to make an initial assessment of the likely risk of impacts on SSSIs and to quickly determine which consultations are unlikely to pose risks and which require more detailed consideration. Local Planning Authorities (LPAs) have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI.

Further information on specific legislation relating to species protected under the Wildlife and Countryside Act 1981 (as amended) is detailed below, under Protection of Protected Species and Habitats.

### **Environment Act (2021)**

The Environment Act (2021) makes a provision for biodiversity net gain to be a condition of planning permission in England. Planning applications will need to demonstrate a 10% biodiversity net gain can be met. A biodiversity net gain plan must be submitted and must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- (b) the pre-development biodiversity value of the onsite habitat,
- (c) the post-development biodiversity value of the onsite habitat,
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- (e) any biodiversity credits purchased for the development.

### **Countryside and Right of Way Act 2000**

Amends and strengthens the Wildlife and Countryside Act 1981 (as amended). It also details habitats and species for which conservation measures should be promoted.

### **Natural Environment and Rural Communities Act 2006**

Section 40 of the Act places a duty on local planning authorities to conserve and enhance biodiversity in England whilst carrying out their normal functions. Section 41 comprises a list of Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) which should be considered.

The LPA will need to have particular regard to any relevant local nature recovery strategies, and any relevant species conservation strategy or protected site strategy prepared by Natural England.

### **Hedgerows Regulations 1997**

Under these regulations it is an offence to intentionally or recklessly remove, or cause or permits another person to remove, a hedgerow. Important hedgerows are defined in Section 4 of the Regulations. This includes hedgerows that have existed for over 30 years or satisfies at least one criteria listed in Part II of Schedule 1.

## **Wild Mammals (Protection) Act 1996**

Under this act wild mammals are protected from the intentional unnecessary suffering by crushing and asphyxiation.

## **ODPM Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (2005)**

The Government's Office of the Deputy Prime Minister (ODPM) Circular 06/05 (ODPM 2005) presents the legal requirement for planning authorities with regard to statutory designated sites. Planning approval should not be granted where impacts to statutory designated sites that are not connected to the site maintenance for nature conservation, or will have a significant effect on the site's conservation objectives and/or affect the site's integrity. Permission may be granted if the proposed development overrides public interest.

The presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Otherwise, all relevant considerations may not have been addressed in making the decision.

## **Biodiversity Opportunity Areas (BOAs)**

In order to assist in delivering the government's Biodiversity 2020 strategy, the Surrey Nature Partnership has identified seven BOAs where improved habitat management, habitat restoration and recreation of HPIs is the key focus to enhancing the connectivity of habitats for SPIs to deliver biodiversity objectives at a landscape scale. The location of these is presented in the South East Biodiversity Strategy's website. The project promotes a collaborative approach across a number of regional and local organisations.

Developments within or adjacent to BOAs should be designed in consideration of the BOA objectives, which are provided at:

- <https://surreynaturepartnership.org.uk/our-work/>

The BOAs include:

- Thames Basin Heaths comprising Chobham Common North & Wentworth Heaths, Chobham South Heaths, Colony Bog, Bagshot Heath & Deepcut Heaths, Ash, Brookwood & Whitmoor Heaths, Woking Heaths;
- Thames Basin Lowlands comprising Wanborough & Normandy, Woods & Meadows, Clandon to Bookham Parkland, Esher & Oxshott Commons, Ashted & Epsom Wood Pasture, Princes Coverts & Horton Country Park;
- Thames Valley comprising Windsor Great Park, Runnymede Meadows & Slope, Staines Moor & Shortwood Common, Thorpe & Shepperton, Molesey & Hersham;
- North Downs comprising North Downs Scarp; The Hog's Back, North Downs Scarp and Dip; Guildford to the Mole Gap, North Downs Scarp; Mole Gap to Reigate, North Downs; Epsom Downs, North Downs; Banstead Wood & Chipstead Downs, North Downs Scarp; Caterham, North Downs Scarp; Woldingham,
- Wealden Greensands comprising Puttenham & Crooksbury, Farnham Heaths, Thursley, Hankley & Frensham Heaths, Devil's punch-bowl & Hindhead Heaths, Hascombe, Winkworth & Hydon's Heath and Woodland, Blackheath, Chilworth & Farley Heaths, Winterfold & Hurtwood Greensand Ridge, Leith Hill, Wotton, Abinger &

Holmwood Greensand Ridge, Limpsfield Heaths, Reigate Heaths, Holmthorpe & Bay Pond

- Low Weald comprising Chiddingfold & West Weald Woodlands, Cranleigh Woodlands, Wallis Wood, Vann Lake & Ockley Woodland, Glover's Wood & Edolph's Copse, Newdigate Wood, Earlswood & Redhill Commons;
- River Valleys comprising Hogsmill, Eden Brook, River Blackwater, River Wey, River Mole, River Thames,

## Protection of protected species and habitats

### Amphibians

Natterjack toad, pool frog and great crested newt are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are also afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Natterjack toad, common toad, great crested newt and northern pool frog are also SPIs.

### Reptiles

Smooth snake and sand lizard are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Adder, grass snake, common lizard and slow-worm are all protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended). All UK reptile species are SPIs.

### Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). This includes damage and destruction of their nests whilst in use, or construction. Species listed under Schedule 1 of the Act, such as barn owl, are afforded protection from disturbance during the nesting season.

The following 50 bird species are SPIs: lesser redpoll, aquatic warbler, marsh warbler, skylark, white-fronted goose, tree pipit, scaup, bittern, dark-bellied brent goose, stone-curlew, nightjar, hen harrier, northern harrier, hawfinch, corncrake, cuckoo, Bewick's swan, lesser spotted woodpecker, corn bunting, ciril bunting, yellowhammer, reed bunting, red grouse, herring gull, black-tailed godwit, linnet, twite, Savi's warbler, grasshopper warbler, woodlark, common scoter, yellow wagtail, spotted flycatcher, curlew, house sparrow, tree sparrow, grey partridge, wood warbler, willow tit, marsh tit, dunnoek, Balearic shearwater, bullfinch, roseate tern, turtle dove, starling, black grouse, song thrush, ring ouzel and lapwing.

### Badger

Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

### Bats

All bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), as detailed above. Bats are further protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to:

- Deliberately or recklessly damage or destroy any structure or place which bat(s) use for shelter or protection.



- Disturb bat(s) while occupying a structure or place which it uses for shelter or protection.
- Obstruct access to any structure or place which they use for shelter or protection.

Furthermore, seven bat species are SPIs, covered under Section 41 of the NERC Act 2006. These include western barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe.

### **Hazel dormouse**

Hazel dormouse is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended), including obstruction to a place of shelter or rest.

Hazel dormouse is also a SPI.

### **Hedgerow**

Under the Hedgerows Regulations 1997 it is against the law to remove or destroy certain hedgerows without permission from the LPA, which are also the enforcement body for offences created by the Regulations. LPA permission is normally required before removing hedges that are at least 20 m in length, more than 30 years old and contain certain plant species. The authority will assess the importance of the hedgerow using criteria set out in the regulations. The regulations **do not** apply to hedgerows within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

Hedgerow is a HPI.

### **Otter**

Otter is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended). Otter is also a SPI.

### **Water vole**

Water vole is fully protected from capture, killing or injury; damage, destruction or blocking access to a place of shelter; disturbance whilst in a place of shelter or possessing, selling any part of a water vole, dead or alive under the Wildlife and Countryside Act 1981 (as amended).

Water vole is also a SPI.

### **Other mammals**

West European hedgehog, brown hare, mountain hare, pine marten, harvest mouse, polecat and red squirrel are all SPIs.

The following mammals are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended): wildcat, brown hare (Schedule 5A), mountain hare (Schedule 5A), pine marten and red squirrel.

### **Invertebrates**

Fifty-six terrestrial and freshwater invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). These include Reddish buff, Norfolk hawk, Purple emperor, High brown fritillary, Northern brown argus, White-clawed crayfish, Pearl-bordered fritillary, DeFolin's lagoon snail, Chequered skipper, Fairy shrimp, Rainbow leaf beetle, New Forest cicada, Southern damselfly, Large heath, Small blue, Wartbiter, Fen raft spider, Ivell's sea anemone, Mountain ringlet, Ladybird spider, Marsh fritillary, Spangled diving beetle, Mole cricket, Field cricket, Duke of Burgundy, Silver-spotted skipper, Medicinal leech,

Lesser silver water beetle, Moccas beetle, Wood white, Violet click beetle, Large copper, Freshwater pearl mussel, heath fritillary, Glanville fritillary, Glutinous snail, Starlet sea anemone, Large tortoiseshell, Brackish hydroid, Swallowtail, Bembridge beetle, Barberry carpet, Silver-studded blue, Adonis blue, Chalk hill blue, Fiery clearwing, Sandbowl snail, Black hairstreak, White-letter hairstreak, Black-veined moth, Sussex emerald, Brown hairstreak, Northern hatchet-shell, Lulworth skipper, Tadpole shrimp, New Forest burnet.

A total of 398 invertebrates are Species of Principal Importance. These include: beetles (including stag beetle), butterflies (high brown fritillary, large heath, small blue, white-letter hairstreak, brown hairstreak, damselflies (southern damselfly), moths (marsh moth), ants, bees etc. Impacts to SPI must be considered by the LPA when assessing planning applications.

### **Non-native invasive plant species**

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is a list of non-native plant species for which Section 14 of the Act applies. It is an offence to plant, or otherwise cause to grow in the wild species listed under Schedule 9 of the act. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed

### **Habitats of Principal Importance**

Section 41 of the NERC Act 2006 details 56 HPis, of which the following could be present in south-east England: Lowland calcareous grassland, Lowland dry acid grassland, Lowland meadows, Lowland Heathland, Open Mosaic Habitats on Previously Developed Land, Lowland fens, Lowland raised bog, Reedbeds, Lowland beech and yew woodland, Lowland mixed deciduous woodland and Wet woodland.

Impacts to HPI are of material planning consideration.

### **Ancient woodland and veteran trees**

The NPPF 2024 states that 'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. In addition, Natural England's standing advice for ancient woodland indicates that a 15 m buffer is retained between ancient woodland and any works or development. Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

### **National Planning Policy Framework (2024)**

Details the Government's planning policies for England and how these should be applied, particularly to contribute to the Government's commitment to halt the decline of biodiversity. When assessing planning applications, LPAs should have regard to conserving and enhancing biodiversity by applying several principals, including:

- Avoiding impacts to biodiversity through appropriate site selection.
- Mitigating residual impacts.
- Encouraging the preservation and enhancement of biodiversity.
- Preventing the development of protected sites, such as SSSIs.

- Refusing permission where habitats that cannot be recreated, such as ancient woodland, would be lost.
- Encouraging good design that limits light pollution.

Relevant paragraphs in the NPPF (2024) are detailed below.

Paragraph Number	Detail
187	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland</p> <p>(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.</p> <p>(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate</p>
190	<p>“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:</p> <p>(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</p> <p>(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</p> <p>(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”</p>
193	<p>“When determining planning applications, local planning authorities should apply the following principles:</p> <p>(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful</p>

Paragraph Number	Detail
	<p>impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is 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;</p> <p>(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 67 and a suitable compensation strategy exists; and</p> <p>(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”</p>
194	<p>“The following should be given the same protection as habitats sites:</p> <p>(a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>(b) listed or proposed Ramsar sites 68 ; and</p> <p>(c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”</p>
195	<p>“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”</p>
198	<p>Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>72</sup>;</p> <p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>

