



From: Amit Patel
Sent: 26 January 2026 15:11
To: Statutory
Subject: FW: 2025/771 - Land at Mount Avenue
Attachments: 251023_321550_L@ Mount Ave Chaldon_KB.pdf

Can this be added to the above file as Surrey Wildlife Trust comments?

Thanks

Amit Patel
Principal Planning Officer
Planning
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Tandridge District Council
The Council Offices
8 Station Road East
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From: Karen Bartlett <Karen.Bartlett@surreywt.org.uk>
Sent: 23 October 2025 15:20
To: Alex Jelley <AJelley@tandridge.gov.uk>
Cc: Planning-SWT <planning@surreywt.org.uk>
Subject: Re: 2025/771 - Land at Mount Avenue

Dear Alex,

Please see attached for 2025/771.

If you have any questions, please let us know.

Best regards
Karen

Karen Bartlett BSc (Hons) MSc

Conservation Officer - Ecology Planning Advice Services Surrey Wildlife Trust

e: karen.bartlett@surreywt.org.uk

w: surreywildlifetrust.org
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Wild about social media!



surreywildlifetrust.org

engineers]



From: Alex Jelley <AJelley@tandridge.gov.uk>
Sent: Tuesday, October 21, 2025 11:04 AM
To: Planning-SWT <planning@surreywt.org.uk>
Subject: 2025/771 - Land at Mount Avenue

You don't often get email from ajelley@tandridge.gov.uk. [Learn why this is important](#)

Good Morning,

I wonder if you’ve had the chance to review the above application yet?

Let me know if you need anything from me at this stage.

Best wishes,

Alex Jelley
Major Planning Applications Officer (Interim)
Planning
Tel: 01883 732905
ajelley@tandridge.gov.uk

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Date: 23/10/2025

Our reference: 321550/KB/001



Surrey
Wildlife Trust

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By email: statutory@tandridge.gov.uk

Dear James,

Planning reference: 2025/771

Proposals: Erection of 30 dwellings (50% affordable) with associated works including provision of vehicular and pedestrian access, landscaping, drainage, and other associated infrastructure (Outline application with all matters reserved except access, layout and scale).

Site Address: Land At Mount Avenue, Chaldon, CR3 5BB

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.

Summary of Recommendations

A summary of our advice and recommendations is provided in Table 1. The detail is provided further in this document.



Table 1 Summary of Recommendations

Planning Stage	Recommendation
Prior to commencement	Badger walkover survey
	Sensitive Lighting Management Plan
	Amphibian and reptile precautionary method of working
	Ensure the retention of a 15m buffer between the development and the adjacent ancient woodland
	HPI protection strategy
	General Biodiversity Gain Condition (including on-site HMMP)
	Ecological Enhancement Plan (EEP)
	Construction and Environmental Management Plan (CEMP)
General recommendations	Precautions should be taken during construction to ensure the protection of terrestrial mammals
	Vegetation clearance should take place outside of breeding bird season or following nesting bird checks

Protected species - Badger

The submitted ecological report has identified the likely absence of active badger setts within and adjacent to the development site. However, badger may be present locally.

We recommend that prior to commencement a site walkover is undertaken by a suitably experienced ecologist to check for badger setts within the application site boundary, and a 30m buffer, where accessible. If any badger activity is detected an appropriate method of working, including details of any licences that are required, will be submitted to, and approved in writing by the LPA.

The applicant should also ensure that construction activities on site have regard to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species. If any close-boarded fencing is to be used at the site, we recommend that holes of 20cm x 20cm are included in the base to allow badger to move freely through the site.

Protected species - Bats

Bat roosts were confirmed as likely absent during the ecological surveys.

However, bats are highly mobile and move roost sites frequently. Unidentified bat roosts may still be present. A precautionary approach to works should therefore be implemented.

We advise that in line with the NPPF (2024), paragraph 187, the applicant should incorporate bat roosting opportunities as integral design features within the built development.

Sensitive lighting

The ecological report indicates that foraging and commuting bats could be impacted by the proposed development. Bats are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes.

Paragraph 198 of the NPPF (2024) states that planning policies and decisions should “*limit the impact of light pollution from artificial light on ... intrinsically dark landscapes and nature conservation.*”

We advise that the applicant ensures that the proposed development will result in no net increase in external artificial lighting across suitable habitat for nocturnal species at the development site, to comply with legislation, planning policy and best practice guidance (BCT and Institute of Lighting Professionals, 2023).

Given the presence of priority woodland habitat on-site and the site’s proximity to ancient woodland we recommend that prior to commencement a Sensitive Lighting Management Plan is submitted to and approved in writing by the LPA.

Protected species – Breeding birds

We advise that the applicant takes action to ensure that demolition and vegetation clearance is timed to avoid the breeding bird season of early March to August inclusive.

If this is not possible and no large areas of dense vegetation are affected, we advise that the application site is inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found we advise that they are left undisturbed with an appropriately sized buffer around them, until it can be confirmed by an ecologist that the nest is no longer in use.

We advise that in line with the NPPF (2024), paragraph 187, the applicant should incorporate features for breeding birds, including swifts, as integral design features within the built development.

Protected species – Hazel dormouse

Hazel dormouse presence/likely absence surveys were undertaken to inform the planning application, which confirmed the species is likely absent. It would therefore appear that hazel dormouse is not a constraint to development.

We advise the applicant that habitat for the species does exist within the site, and should hazel dormouse be recorded during works, all work should cease immediately, and advice sought from Natural England or a suitability experienced ecologist to agree on the appropriate actions.

Protected species – Great crested newt and reptiles

The ecology report has identified the likely absence of great crested newt and reptile species from the application site boundary.

The ecologist has recommended a precautionary approach to works given the limited habitat present on-site suitable to support amphibians and common reptile species but noting there are records of both groups within the local vicinity. This appears to be a proportionate approach for this application.

We recommend that prior to commencement an amphibian and reptile mitigation strategy is submitted to and approved in writing by the LPA. The strategy will need to be prepared by a suitably experienced ecologist and appropriate to the local context.

We advise the applicant that habitat for great crested newt does exist within the site, and should the species be recorded during works, all work should cease immediately,

Protected species – European hedgehog

Suitable hedgehog habitat exists within the application site boundary.

We advise that in line with the NPPF (2024), paragraph 187, the applicant should incorporate features for hedgehogs as integral design features within the built development. These can include, but not be limited to:

- Ensuring the species can move across the landscape by creating gaps into all close-boarded fencing
- Creating habitat connectivity across the landscape
- Creating a wild corner with minimal habitat management
- Incorporating hedgehog homes into development.

Protected habitats – Habitat of Principal Importance (HPI) Deciduous woodland and ancient woodland,

Planning permission should be refused for developments resulting in loss or deterioration of irreplaceable habitats, including ancient woodland, unless there are wholly exceptional reasons and a suitable compensation strategy exists (paragraph 193, National Planning Policy Framework).

Standing advice states that an applicant should identify ways to avoid negative effects on ancient woodland which could include redesigning the scheme, and an appropriate buffer at least 15m wide should be incorporated into the development design (Natural England, 2022).

Ancient woodland is located adjacent to the application site boundary and could be adversely impacted by the proposals without appropriate protection.

We advise the LPA should ensure that the proposed development allows for the permanent retention of a minimum 15m buffer of semi-natural habitat between the adjacent ancient woodland and any built development (including footpaths), and that this buffer zone is secured from any future built development through planning obligation.

Habitat of Principal Importance (HPI)

Lowland mixed deciduous woodland and native hedgerow HPIs are recorded within the application site boundary and could be directly or indirectly adversely impacted by the proposed development. Impacts to HPIs are of material consideration when determining planning applications.

We recommend that prior to commencement further detail of how the lowland mixed deciduous woodland and native hedgerow HPIs will be appropriately protected is submitted to and approved in writing by the LPA.

We advise this could be presented in the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, in addition to landscaping plans and implementation of a Construction Environment Management Plan (CEMP) (see below).

Biodiversity Net Gain

The Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, 16th June 2025) details the following:

- The site baseline consists of 4.14 Habitat Units and 1.41 Hedgerow Units

- The proposed development can deliver a net gain of +13.52% in Habitat Units and +123.23% in Hedgerow Units
- Trading rules have been satisfied.

The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of 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”.*

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 onsite 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 &A 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.*

As the proposal includes on-site significant enhancement a Habitat Management and Monitoring Plan will be required. We recommend that prior to determination, the LPA may wish to discuss with the Applicant whether any obligations will be required to secure significant on-site habitat enhancements. Or whether it would be appropriate to secure through a planning condition. This discussion would be in line with Planning Practice Guidance (1 May 2024) on biodiversity net gain ([Biodiversity net gain - GOV.UK](https://www.gov.uk/biodiversity-net-gain)).

We do not provide legal advice. However, there are two types of legal agreement for BNG:

- Planning Obligation with an LPA.
- Conservation Covenant Agreement with a Responsible Body.

The development should not commence until a Habitat Management and Monitoring Plan, prepared in accordance with the Biodiversity Gain Plan, has been submitted and approved in writing by the local planning authority.

The Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, 16th June 2025) provides the recommendations for a range of ecological and habitat enhancements to include:

- Enhancement of the on-site woodland
- Less intensively managed vegetation
- Native hedgerow creation and enhancement
- Planting bat-friendly plants
- Habitat piles and hibernacula
- Bird nesting boxes
- Bat roosting boxes
- Gaps in any close-boarded fencing to allow hedgehog to move freely through the site

We recommend that if the planning application is granted, then an Ecological Enhancement Plan is secured through a prior to commencement planning condition. This should be prepared by a suitably qualified and experienced ecologist

Ecological Enhancements

Local Planning Authorities have a duty to ensure development delivers benefits for biodiversity (Department for Levelling Up, Housing and Communities, 2023, Environment Act (2021) and NERC Act (2006)).

This development offers opportunities to restore or enhance biodiversity, and such measures will assist the LPA in meeting the above obligation and help offset any localised harm to biodiversity caused by the development process.

We advise that in line with the NPPF (2024), paragraph 187, the applicant should incorporate features which support priority or threatened species such as swifts, bats, and hedgehogs as integral design features within the built development.

We recommend that prior to commencement an Ecological Enhancement Plan detailing how the development will deliver ecological enhancements is submitted to and approved in writing by the LPA.

The Ecological Enhancement Plan should be based on the impact avoidance, mitigation and enhancement measures specified in the final ecological reports and should include, but not be limited to the following:

- a) Description and evaluation of features to be provided
- b) Location plan of all ecological enhancement features being provided
- c) Ecological trends and constraints on site that might influence management
- d) Prescriptions for management actions
- e) Ongoing monitoring and remedial measures

Construction Environmental Management Plan (CEMP)

Given the presence of ecological receptors on and in proximity to the site, there is a risk of causing ecological harm resulting from construction activities.

We advise that prior to commencement a CEMP is submitted to and approved in writing by the LPA. The CEMP should include, but not be limited to:

- a) Map showing the location of all ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fencing, exclusion barriers and warning signs.

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

Kind regards,

Karen Bartlett BSc (Hons) MSc - Conservation Officer

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	Planning policies and decisions should contribute to and enhance the natural and local environment by: (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); (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 (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; (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. (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 (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate
190	“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: (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; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”
193	“When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful

Paragraph Number	Detail
	impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (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; (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 (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.”
194	“The following should be given the same protection as habitats sites: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites 68 ; and (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.”
195	“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.”
198	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: 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 life⁷²; 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 c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

