# APPEAL BY CROUDACE LAND
# AGAINST A REFUSAL OF
# PLANNING PERMISSION FOR RESIDENTIAL
# LAND SOUTH OF BARROW GREEN ROAD, OXTED

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## ECOLOGY PROOF OF EVIDENCE

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**PINS REF APP/M3645/W/25/3372747**


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## 1.0 Summary

### Context

1.1 The site consists of a single arable field with small areas of woodland at the northern and southern edges. The site is approximately 9.7ha and located on the north-western edge of Oxted, bound by Barrow Green Road and a railway corridor to the north, a cemetery to the east, residential housing and gardens to the south, ancient woodland to the south-west and a small ephemeral stream to the west (TQ 387 531). The wider surrounding area comprises residential areas of Oxted to the north, east and south, with extensive woodland and private green space to the west.

1.2 The site is not covered by any statutory nature conservation designations. A section of the site, the southern extent supports wet woodland, The Bogs, which is designated as a potential Site of Nature Conservation Interest (pSNCI). Ancient woodland is present along the southern edge of the red line boundary. Ancient woodland is not present on site. The Bogs pSNCI covers the area of ancient woodland which is off site.

1.3 The site is dominated by cropland / arable habitat, with other habitats present including lowland mixed deciduous woodland, mixed and bramble scrub, rural trees, native hedgerow, line of trees, and the stream which runs along the western and southern aspect of the site.

1.4 The Appeal Scheme is for a residential development of up to 190 dwellings (including affordable homes)(Use Class C3), an extra care facility with up to 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.

### Ecological Surveys

1.5 The initial survey, the Preliminary Ecological Appraisal (PEA) was conducted in May 2022, with update walkover on 26th September 2024.

1.6 A reptile survey was conducted from April – May 2022. It must be noted that some interference with the reptile mats occurred during the survey period. A good population of slow worms were identified around the very edges of the site, largely located along the

edges of the northern woodland, with individuals located on the east and southern aspect. No slow worms were associated with the western edge or western hedgerow.

1.7 Dormouse surveys were conducted across the site in April. Some appeared to have been removed and as such, further tubes were reestablished at the end of April. Surveys were conducted between April and October 2022. No dormice were recorded. Only a single wood mouse nest was identified in the northern woodland. No other nests were located within any tubes located across the site. Dormice were considered likely absent from the site.

1.8 Throughout 2022 bat transect and activity surveys were conducted, with walked surveys and remote recording surveys conducted in May, June, July, August, September and October 2022. Common pipistrelles were the most frequently recorded accounting for 50.9% of the total bat calls over the survey period, with soprano pipistrelles accounting for 25% of the calls. A minimum of 7 species were recorded using the site, with myotis species grouped and not defined to species level. The most activity across the site was recorded along the northern woodland edge, with the second most activity recorded on the southern edge. The western edge, along Barrow Green Road, supports low numbers of bats across the survey period.

1.9 Planning was subsequently submitted, which was supported by an ecological impact assessment and a biodiversity net gain (BNG) assessment, using the statutory metric.

**The Scheme**

1.10 The proposals for the site will retain all of the woodland within the red line boundary. The wet woodland (0.21ha) is to be retained, the woodland to the north of the site (0.23ha) is to be retained. The woodland to the south and west of the site, which were not considered to be wet woodland (0.26ha) has been recommended for enhancement. The enhancements include the removal of invasive cherry laurel.

1.11 The ancient woodland which is located off site is to be buffered by 15m (as per Natural England's standing advice).

1.12 The development is largely to impact upon the crop / arable habitat. The hedgerow along the western edge, along Barrow Green Road, will be largely removed to allow for access.

Small areas of mixed scrub and neutral grassland around the edges of the site are to be lost as part of the scheme.

1.13 The proposals include the retention and enhancement of woodland within the red line boundary. The development will also include the creation of mixed scrub (native species managed for wildlife), wildflower grassland (neutral grassland in both moderate and poor condition) and the provision of attenuation basins of which species rich wet grassland is to be created. Approximately 235 new trees are proposed within the landscape plans.

1.14 Whilst there is a loss of most of the native hedgerow along the western aspect of the site, a new hedgerow is to be created along the north eastern site boundary, extending out from the retained hedgerow. This will be managed for wildlife. In addition, areas of new native hedgerows are to be planted within the residential areas of the site.

1.15 The stream was surveyed using the River Corridor Assessment (RCA) Methodology. The upstream section of the watercourse within the woodland and scrub along the western site boundary considered to be in moderate condition, with the downstream section considered to be fairly good. The upstream section is proposed to be enhanced with the removal of invasive species and through the cessation of agricultural practises and the creation of new, higher value habitats, along the western and southern aspects.

1.16 The BNG assessment identified a net gain can be achieved within site boundary in habitat, linear and watercourse units.

1.17 It is considered that the surveys conducted and the layout response to the site and the habitats, ensure that no loss of woodland (ancient or otherwise) will occur and that the development will not impact upon the favourable conservation status of species that are present within the wider landscape.

## 2.0 Qualifications

2.1 My name is Alexia Tamblyn. I have an MA in Biological Sciences from Trinity College, University of Oxford and an MSc in Environmental Technology from Imperial College, London. I am a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), a Chartered Ecologist (CEcol), a Chartered Environmentalist (CEnv) and a Fellow of the Royal Geographical Society (FRGS). I have been practising as an environmental consultant for over 20 years. I hold Natural England licences for bats, dormice, barn owls and great crested newts and have held badger licences. Prior to The Ecology Partnership, I was the Director of Ecology at JFA Ltd, having previously worked for Schofield Lothian Environmental, and for Coral Cay Conservation.

2.2 I am the Managing Director of The Ecology Partnership, an ecological consultancy practice which advises clients on the effects of development proposals on ecological issues. My own area of expertise is in holistic and integrated approaches to environmental management and protected species work including bats, dormice and great crested newts and other specially protected species including badgers and reptiles. I work with a team of full time qualified ecologists who specialise in habitat assessments, botany and protected species surveys. As Director, I oversee and supervise their work and ensure that their field surveys are appropriate to the requirements, whether it be legislative as in the case of licensing or following best practice.

2.3 I have undertaken work for clients in a number of sectors and have provided both statutory and non-statutory environmental assessments for a range of private sector clients. I have also advised a number of local authorities in the south-east on planning-related matters where ecological considerations were an issue.

2.4 I have particular experience in assisting developers and designers in the layout of residential sites when protected species may be affected. My practice conducts surveys, obtains Natural England licenses, and monitors licensed development work. Additionally, we develop management plans and habitat enhancement works.

2.5 The appeal application has been refused by Tandridge District Council, with two reasons pertinent to ecology, reason 4 and 5. Surrey Wildlife Trust retain objections with regards

to The Bogs pSNCI and hydrological impacts and the removal of the hedgerow along the western aspect of the site. This hedgerow is being removed for access.

2.6 My Proof therefore, focuses upon and addresses issues raised with regards to The Bogs pSNCI (which includes both the wet woodland and the off site ancient woodland) and the hydrological impacts and the impacts of hydrology on the biodiversity value of the site.

2.7 The hedgerow removal, a habitat of principle importance, will also be addressed.

2.8 I can confirm that the opinions I have expressed represent my true and complete professional opinions on matters to which they refer. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.

## 3.0 Scope

3.1 The proposals have been refused planning permission **(REF CD3.3)** with two of the reasons for refusal being attributed to ecological concerns:

Reason for Refusal 4: Impact on The Bogs Ancient Woodland

*The applicant has not demonstrated that the proposed development, and in particular the outline drainage proposals, will not result in the loss or deterioration of an irreplaceable habitat both on-site and off-site, that is The Bogs ancient woodland, within and adjoining the site boundary. This is contrary to NPPF 2024 paragraph 193 (c) which requires that such development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is similarly contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss, and that impact or loss should not just be mitigated but overall ecological benefits should be delivered.*

Reason for Refusal 5: Biodiversity

*The information provided with the application is insufficient to show that there will not be adverse impacts on biodiversity as a result of the proposed development contrary to the provisions of paragraphs 187 and 193 of the NPPF and Tandridge Local Plan Core Strategy policy CSP17 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19.*

3.2 The Key Issues are detailed in the Statement of Case **(REF CD7.1),** however, these are summarised below for ease of reference.

*Key Issue 6: The implications of the proposed development for biodiversity, including The Bogs Potential Site of Nature Conservation Interest and ancient woodland*

*Surrey Wildlife Trust, which will be providing an expert witness to appear on the LPA's behalf at the appeal inquiry, considers that the information with the application is insufficient to enable a full assessment of the ecological impacts. This is because the advice from the LPA's hydrological*

*consultant, Hydro-GIS, is that an insufficient assessment of hydrological impacts of the proposed development has been carried out. The assessment of hydrological impacts is particularly relevant to impacts on The Bogs AW and wet woodland in the south west corner of the site. The hydrologist's evidence will detail what the assessment should provide, that is developing a conceptual hydrological model of the Bogs and wet woodland, and in particular showing the importance of the contribution of flow from the development site.*

*Furthermore, no assessment has been made by the appellant whether the hedgerow habitat of principal importance can be avoided by the development scheme. This is a matter that the Council's expert ecology witness will address in evidence.*

*Potential for Increased Disturbance of the Ancient Woodland (AW) from Occupation of the Proposed Residential Development*

*Key Issue 7 Whether the Biodiversity Net Gain proposals within the application can adequately offset any harm to biodiversity arising from the proposed development.*

*The LPA considers that until the potential for the proposed development to adversely affect the irreplaceable habitat of The Bogs AW immediately adjoining the site and the wet woodland HPI within the site is known following further hydrological assessment, then it is not possible to make a meaningful BNG assessment as the appellant has attempted to do. The significant net gain the appellant puts forward in the planning application as achievable through on site BNG enhancements could be significantly reduced if not nullified if there were to be adverse impacts on The Bogs AW. If, nevertheless, the appeal was to be allowed this could necessitate biodiversity offsetting off site. Pending the further hydrological assessment required the LPA's position will be that BNG is a requirement of national legislation. As such, while any net gains to biodiversity are to be encouraged, this is not a consideration that should attract other than limited weight in favour of the application in the overall planning balance.*

3.3 Natural England's consultation (Ref 521914 14th August 2025) (**REF CD3.2B**) references Surrey Hills National Landscape. Natural England have not provided comment in biodiversity value of the site.

3.4 To summarise, the objections raised considered that the proposed development is due to;

1) The hydrological impacts on the ancient woodland and The Bogs pSNCI have not been agreed.

2) As the hydrological impacts on the ancient woodland and The Bogs pSNCI have not been agreed, there are implications on the biodiversity net gain calculations.
3) The hedgerow removal is required for access to the development and this removal has not demonstrated the that the mitigation hierarchy has been followed.

3.5 The ecological response prepared by The Ecology Partnership on hydrological impacts on the ancient woodland and The Bogs pSNCI is entirely informed by their hydrological consultants. The hydrological impacts have been characterised and negligible changes are predicted from surface water run off, Sustainable Urban Drainage Systems (SuDS), the spring or the western water course / Southern Water sewer outfall. As such a neutral impact on the wet woodland and the ancient woodland resulting from the development is predicted.

3.6 Considering the above, the BNG assessment provided by The Ecology Partnership, is considered to be valid. No impacts on the integrity of the ancient woodland off site, or the wet woodland, The Bogs pSNCI, on site, is predicted. The retention of these is clear within the BNG metric and report. No degradation of these habitats has been predicted.

3.7 With regard to the hedgerow, it has been recorded that this hedgerow is subject to removal. New hedgerow planting has been proposed resulting in a net gain in hedgerow units. It is considered that the mitigation hierarchy has been followed, the same hedgerow retained (where possible) and new hedgerow, as compensation habitat, created within the scheme.

3.8 The scope of my evidence is as follows:

- The ecologists have been fully advised by Motion and Ardent, concluding that hydrological impacts are negligible resulting in a neutral impact. The integrity of The Bogs pSNCI and the ancient woodland would not be impacted through changes in hydrology.
- The ecologists have fully considered and advised the appellant on the layout and design of the development. The development will include appropriate mitigation and enhancement of all areas of retained habitats.
- The removal of the hedgerow along Barrow Green Road is not ecologically significant and compensation measures have been employed within the scheme to ensure no net loss (indeed a net gain) in hedgerows is achievable.

## 4.0 Policy

4.1 Local and national planning policies which are considered to be relevant to the application are discussed below.

***National Planning Policy (NPPF)***

4.2 National policy guidance is provided by National Planning Policy Framework (NPPF 2024), chapter 15 Conserving and enhancing the natural environment, notably paragraphs 192 and 193, are all considered within the application **(REF CD5.1)**

4.3 The proposals for the site include the protection and the buffering of ancient woodland on the southern aspect of the site and the retention of lowland deciduous woodland and wet woodland, both on the southern aspect and on the northern aspect and western aspect. The woodland habitats will be managed on site to ensure that their ecological functionality will not be impacted by the development proposals.

4.4 Natural England Ancient Woodland standing advice (14th January 2022) **(REF CD5.2).**

*When making planning decisions, you should consider:*

- *conserving and enhancing biodiversity*
- *avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees*

*You should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies:*

- *there are wholly exceptional reasons*
- *there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance*

*You should make decisions in line with paragraph 180 (c) of the NPPF.*

4.5 Both direct impacts (for example direct loss of woodland) and indirect impacts (degradation of woodland) must need to be considered as part of design and applications. These impacts, as identified by Natural England, are listed for ease of reference:

4.6 Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- increasing levels of air and light pollution, noise and vibration
- changing the water table or drainage
- damaging archaeological features or heritage assets
- changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss

4.7 Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects
- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic
- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- changing the landscape character of the area

***Tandridge Local Plan Part 2: 2014-2029 (adopted Version July 2014)* (REF CD4.2)**

4.7 Chapter 19: paragraph 19.3 Sites of Nature Conservation Importance (SNCI)*

**The Council will undertake a review of these sites in due course. The policy will be applied to existing SNCIs, pSNCIs 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*

***Tandridge District Core Strategy Adopted 15th October 2008* (REF CD4.1)**

*Policy CSP 17 Biodiversity*

*Development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.*

*The Council will seek to enhance biodiversity by supporting the work of the Downlands Countryside Management Project and by supporting Local Nature Reserves and Community Wildlife Areas.*

4.8 A section of The Bogs pSNCI (approximately 0.21ha on site which accounts for the wet woodland and 0.13ha on site of lowland mixed deciduous woodland of the total area estimated as 3.4ha), is located within the site boundary and is designated as a Potential SNIC. The remainder of the site is not designated for its biodiversity value. The Bogs pSNCI is fully retained and buffered as part of the design of the development.

4.9 The principles of this development ensure the retention and enhancement of the woodland (ancient woodland off site, wet woodland on site and lowland mixed deciduous woodland) within the redline boundary and adjacent to the boundary. The proposals provide sufficient buffers (in line with Natural England standing advice) for the ancient woodland unit. The development also proposes to enhance the retained woodland on site and provide new opportunities for a range of wildlife. As such the proposals are compliant with CSP17.

4.10 The site and surveys have been produced with reference to current guidelines for protected species works and in accordance with BS 42020:2013 Biodiversity – Code of Practise for Planning and Development.

## 5.0 Ecological Impacts

5.1 Each of the objections resulting from consultation process are detailed below. Objections have been raised by Tandridge District Council and Oxted & Limpsfield Residents Group ("**OLRG**") and Oxted Parish Council **(REF CD8.1, CD8.1A, CD8.1B)**

**Tandridge District Council**

5.2 Their two key issues, hydrological impacts are particularly relevant to impacts on The Bogs AW and wet woodland, and impacts on the hedgerow, are detailed below. The extent of The Bogs pSNCI and the Ancient Woodland are shown in Figure EP1. This also shows the watercourse and outfall location.

***Hydrological Impacts***

5.3 Motion have made it clear that there would be negligible change in flows of water into The Bogs as during the higher frequency storm events, flows towards The Bogs are predominantly via the ordinary watercourse that is fed by flows from the Southern Water sewer and wider catchment. The overland flow path predicted to form through the site during the higher magnitude, more extreme storm events, will be managed by the development proposals to incorporate ground level reprofiling along the west of the site. Furthermore, we were informed by Motion that the flow of water from the spring will also not be obstructed by the development. It is understood that the SUDS can be carefully designed to achieve the desired outflow needed for the woodland.

5.4 Surrey County Council Flood Risk, Planning and Consenting Team have stated in ref LLFA-TA-25-0769RevA date 04/08/2025 (**REF CD3.2J)** that;

*"We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed, subject to our advice below*."

5.5 The reason for refusal has since been reviewed by Motion (Motion - Appeal Technical Note 3: Flood Risk Assessment and Surface Water Drainage Strategy Final (14th October 2025), Motion - Appeal Technical Note 4: Foul Water Drainage Strategy Final (November 2025)) and Ardent (Ardent - Hydraulic Modelling Note (October 2025) Ref: 2404420_A-ACE-XX-XX-RP-C-0321). **All details are provided in Motion and Ardent proof REF CD6.4 (Motion) and REF CD6.8 (Ardent).**

5.6 Motion provided hydraulic modelling for surface water run off. At the application stage, the Lead Local Flood Authority (LLFA) requested surface water runoff from the impermeable areas of the post development site should be discharged using a staged discharge approach, with flows limited to the greenfield Q1, Q30 and Q100 rates for the corresponding storm events. Greenfield run offs rates have therefore been quantified.

5.7 Updated hydraulic modelling for the development proposals to incorporate ground level reprofiling along the west of the site to divert a surface water overland flow path assume the discharge rates are the same for pre and post development, and have been run for 1, 2, 5, 10, 30 and 100 and 100 years plus 45% allowance for climate change, including the ground level changes associated with the post development. The surface water runoff maintaining existing conditions have been factored into the surface water drainage strategy. As such, it is considered that the development would have a negligible impact on flood depths and flows resulting in a neutral impact on The Bogs.

5.8 Ground water monitoring identified the spring and the wet area around the stream. This area has been buffered from any development. Trial pits identified that ground water levels were below ground when moving away from the saturated ground (around the spring) and identified that the depth of the potential SuDS basin in this area would be in low permeability ground which translates as to low groundwater mobility. The use of a lined basin in these areas would not affect ground water levels or supply.

5.9 The SuDS basins are provided and calculated to attenuate the increase in surface water run off from the development area – i.e. the areas of hardstanding (houses and buildings etc) during extreme events. These SuDS therefore do not alter normal surface water drainage, stream or ground water sources.

5.10 Ardent's Hydraulic Modelling provide information with regards to the surface water flows in the pre and post development scenario entering The Bogs pSNCI.

5.11 The Bogs are primarily fed by an ordinary watercourse running along the western site boundary. The ordinary watercourse receives flows from a Southern Water surface water sewer network draining a residential area to the north of the railway line. The sewer outfalls to the watercourse adjacent to the northwest corner of the site. An open ditch also

runs along Chalkpit Lane before connecting into the surface water sewer network at Barrow Green Road.

5.12 The development will not impact upon the catchment area outside the application boundary, or indeed the wider catchment area. The catchment area is considered 1.46km2, with the site being 0.11km2 or equating to less than 8% of the wider catchment area. This wider catchment area will not be impacted by the development.

5.13 Hydraulic modelling of the pre-development scenario shows flows within the ordinary watercourse and The Bogs are primarily received from the Southern Water sewer network during high frequency, low magnitude rainfall events. In summary the 1 in 1 year flow from the Southern Water Sewer is 0.17m3/s, with flow from the Sewer and overland as 0.19m3/s; 1 in 2 years flow from the Southern Water Sewer is 0.22m3/s with flow from the Sewer and overland 0.24m3/s, 1 in 5 years flow from the Southern Water Sewer is 0.41m3/s with flow from the Sewer and overland 0.45m3/s; 1 in 10 years flow from the Southern Water Sewer is 0.55m3/s with flow from the Sewer and overland 0.61m3/s. It can therefore be considered that the overland flow contributes to The Bogs in 1 in 1 year 0.02m3/s, 1 in 2 years 0.02m3/s, 1 in 5 years 0.04m3/s and 1 in 10 years 0.06m3/s. Which confirms the most Sewer system provides the greatest flow rates to The Bogs.

5.14 The modelling identified that flows also reach The Bogs via an overland flow path running through the site during higher magnitude storm events greater than and including the 1 in 30-year storm. For example, 1 in 30 year flow from the Southern Water Sewer is 0.79m3/s with flow from the Sewer and overland 1.09m3/s with the overland flow providing 0.32m3/s, a greater increase in flow in such events.

5.15 The hydraulic modelling shows no predicted change in the water peak flows to the ordinary water course from the Southern Water sewer outfall post development scenario during all modelled rainfall events.

5.16 In the post development scenario overland flows are not altered in the lower magnitude events (1 in 1 year and 1 in 2 years), with negligible +0.02 changes in the 1 in 5 years and 1 in 10 years, no change in 1 in 30 years with diffuse discharge greenfield runoff rates.

5.17 During storm events larger than and including the 1 in 30 year event, overland flows are modelled to be diverted around the western area of the site due to the proposed onsite mitigation measures, away from the residential development. The reprofiling is designed to divert these flows into The Bogs.

5.18 At the Bogs there is no change in the peak flow predicted in the post-development scenario during four of the modelled storm events. During the post-development scenario there is a negligible change in the peak flow at The Bogs of +0.02m3/s in the 1 in 5 year and 1 in 10 year storm events, and -0.01m3/s in the 1in 100-year storm event. These are considered to be negligible changes in flow. The negligible changes in the flow are considered to have a neutral effect on The Bogs especially when considered across an area of 3.4ha. As such, no impacts on the integrity of The Bogs pSNCI and the ancient woodland are predicted.

***Summary***

5.19 The objections with regards to the changes in water levels and rates are therefore considered unfounded.

5.20 The SuDS has been designed to prevent excess run off from the new areas of hardstanding within the development, ensuring that green field run off rates are achieved. The Spring is buffered and the areas associated with the spring are also retained, ensuring that any development, including the SuDS will not impact upon the ground water mobility rates.

5.21 Finally, Southern Water sewer network which flows into the ordinary watercourse to the west of the site, is also buffered from the development. The peak flow rates have been modelled pre and post development. The development will not impact the Southern Water Sewer network of the drainage which feeds into the stream to the west, with the ordinary water course having a much wider catchment than the site itself. The development will not impact upon this ordinary watercourse flow, with pre and post development peak flows recorded as the same at location 1, the Southern Water sewer outfall. There is no change in the amount of water therefore reaching the Southern Water sewer outfall and therefore reaching The Bogs through this pathway.

5.22 The modelled overland flows show a negligible change in peak flows reaching The Bogs during each modelled event. The negligible change in flows demonstrate that water will continue to reach The Bogs for all storm events.

5.23 As there is negligible change in the peak flow, no impacts on the integrity of The Bogs pSNCI and the ancient woodland are predicted.

***Hedgerow***

5.24 There is a hedgerow along Barrow Green Lane. This hedgerow was described in the PEA; *There was a single native hedgerows within the site, located along the northern site boundary adjacent to Barrow Green Road. This was short and heavily managed from the roadside and were dominated by hawthorn with rare occurrences of field maple, dog rose, wayfaring tree, and ash and sycamore saplings. Traveller's joy and ivy were also occasional within the hedge. Historically hedgerows may also have occurred around parts of the site boundaries however, these have now grown out and exceed 5m in depth and are therefore considered linear scrub.*

5.25 This hedgerow was assessed as 'moderate' condition due to failing two criteria in one attribute (here height and width) and fail in terms of the presence of nutrient enrichment of soils dominate <20% cover of the area of undisturbed ground. The indicator species used are nettles, cleavers and docks.

5.26 The hedgerow in the metric has been listed as a native hedgerow as this hedgerow was dominated by hawthorn. This hedgerow had rare occurrences of additional species. This hedgerow did not support slow worms associated along this edge habitat and the hedgerow did not support dormice. Furthermore, whilst bat activity was identified along this edge, this feature supported the lowest number of bat passes. As such, this section of the site is not considered to be ecologically significant.

5.27 Approximately 70m of hedgerow out of the 120m of hedgerow is to be lost as part of the proposals. The requirement for the hedgerow requirement is summarised by NEO Transport Planning (NEO) below;

*The proposed access location Barrow Green Road to the north has been determined following detailed consideration of the existing road alignment, location of Chalkpit Lane, and location of existing trees and vegetation fronting on to the highway. It is considered to represent the optimum location to serve the site, and has been agreed as being fit for purpose by SCC highways and an independent road safety auditor.*

5.28 In terms of compensation, 100m of species rich native hedgerow is to be planted, with an additional 125m of native species hedgerow is also to be planted, which results in a significant net gain in hedgerow features.

5.29 It is considered that the mitigation hierarchy has been followed, with some avoidance where it is feasible (i.e. habitat retention), and compensation has been included within the landscape masterplan. With a net gain achievable within the site boundaries, it is considered that the hedgerow removal is of limited significance.

***Summary***

5.30 It is considered that the hydrological impacts from the development have been fully assessed. Negligible changes are predicted on the water course, the spring and the over land water flows. As such, no impacts on the integrity of The Bogs pSNCI and the ancient woodland are predicted.

5.31 It is considered that the net gain calculations provided in support of the application are still valid. No degradation of the ancient woodland or The Bogs pSNCI is predicted and as such implications on the calculations will not occur.

5.32 The section of hedgerow lost will be compensated for within the design of the scheme. A net gain in linear units is predicted and this forms part of the landscape masterplan and ecological recommendations within the design. It is considered that the mitigation hierarchy has been addressed within the scheme.

**Oxted and Limpsfield Residents Group and Oxted Parish Council**

5.33 Oxted & Limpsfield Residents Group ("**OLRG**") and Oxted Parish Council object to the appeal proposals. OLRG has more than 2,000 members from the Oxted and Limpsfield area. They have been granted Rule 6 status.

5.34 There are a number of concerns raised by Rule 6 parties with regards to the biodiversity assessments. These are detailed below for ease of reference;

*41.The Bogs Ancient Woodland is a priority habitat, part of which is within the appeal site. We have taken expert advice from Hydro-GIS, specialists in hydrology. Their findings are included as*

*evidence in Appendices 1 and 2 and indicate that the appeal proposals pose a serious threat to this irreplaceable habitat.*

*42.The Bogs is sustained by the water running off the North Downs via Stoney Field. There is a complex, multi-faceted relationship between Stoney Field and The Bogs, and its habitat and biodiversity value.*

*43. The review of the appellant's Flood Risk Assessment by Hydro-GIS specialists highlights that significant details which are relevant to the impact of the appeal scheme on The Bog are missing from the relevant text and information has been presented which is wrong and misleading. The report gives details of the limitations of what is found to be an "inadequate and incorrect assessment."*

*44. Hydro-GIS also highlight that the Hydraulic Modelling Report shows a reduction in flood levels to the south of the site, which would also mean a reduction in flow to The Bogs. A reduction in flow and potential drying out is a very undesirable outcome which would significantly harm biodiversity and cause loss and deterioration of this habitat and eventual destruction.*

*45. In their review of the further information provided by the appellant's technical note in response to an initial objection to the application from the Lead Local Flood Authority, Hydro-GIS comment that: "there is nothing in the technical note to consider the impacts of the development on the hydrology of The Bogs. It appears that the SuDS design has been optimized to consider the flood risk at the site without considering the role that both surface and groundwater flowing from the site plays in sustaining the environment of The Bogs."*

*46. None of the appellant's reports have made an assessment of flow rates of water into The Bogs prior to or following development. Neither has there been any consideration of the vulnerability and high degree of susceptibility to change of this fragile habitat. The only evidence available indicates that the current flows of water into The Bogs will not be maintained and that irreparable harm to the Ancient Wet Woodland and the species it supports, is likely to result. The quality of surface water to be discharged via the proposed SuDS drainage system to be built as part of the development has also not been assured.*

*47.The failure to supply fundamental baseline data about how the appeal proposals may impact on the hydrology of The Bogs means that the proposals cannot be subject to condition and must therefore be refused.*

*48.The proposal involves the installation of a drainage outfall with a piped connection from an attenuation basin to a water course. The piped connection will need to run through the part of The Bogs Ancient Woodland within the site which will require a trench to be dug to accommodate the pipe. This will result in loss, deterioration and disturbance of the habitat.*

*49.There would also be harm arising from the close proximity of a large housing development and associated disturbance, pollution and recreational and other pressures such as predation from domestic pets, where previously there was no development and where there has been minimal human interference. The appellant has given insufficient information about how the Ancient Woodland both inside and outside of the site would be protected. pSNCI woodland with wet ground conditions will have low resilience to recreational access. We note Surrey Wildlife Trust's comments on the permanent loss of a section of hedgerow which is a Habitat of Principal Importance and that insufficient ecological information has been submitted. There has been a failure to demonstrate that biodiversity will be protected, maintained and enhanced. There would be both physical harm and harm to biodiversity arising from the significant increase in recreational pressure and other urbanising effects. The proposed development has the potential to cause irreparable harm to an irreplaceable habitat, Ancient Woodland, both on-site and off-site and lead to the loss of a Habitat of Principal Importance.*

*51.The R6 consider the appeal proposals conflict with development plan policies CSP17, DP19, DP21 and paragraphs 187(a)(b) and (d) and 193 (c) of the NPPF. In particular, para 193(c) states that development resulting in loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons, which do not exist in this case. The development does not have to be on an Ancient Woodland site (loss of habitat) in order to conflict with para 193: it is enough that it will have effects/impacts causing deterioration.*

*52.The harm to this Footnote 7 asset provides a strong reason for refusal which engages paragraph 11(d)(i) of the NPPF. The R6 do not agree with the appellant's Statement of Case which asserts that these conflicts only engage paragraph 11(d)(ii) of the NPPF (i.e. that para 11(d)(i) is not engaged). The appellant's Statement of Case is also incorrect in stating that the Council accepts that paragraph*

*11(d)(ii) is engaged. Paragraph 171 of the Officer's Report makes clear that paragraph 11(d)(i) is engaged, stating "The tilted balance (para. 11(d)(ii) of the NPPF) does not apply in the determination of this application, therefore."*

5.35 It can be seen in the concerns raised by the Rule 6 party that hydrological issues are key. This is of course reflected in the reasons for refusal for the scheme.

5.36 The hydrological surveys and models, provided by both Motion and Ardent, have informed the ecological proof, and any specific questions regarding hydrological modelling will be answered by the teams from Motion and Ardent. However, as summarised in this proof, the hydrological advice states that negligible change on the water flows are predicted as a result of the development. With the ground water / spring, over land and ordinary water course flows characterised, no impacts on the integrity of The Bogs pSNCI and the ancient woodland, are therefore predicted. As such, it is considered that this concern has been addressed in 5.3 – 5.21 and will be covered in full by the Ardent and Motion proof.

5.37 With regards to the loss of hedgerow, this too has been reviewed in 5.22 – 5.27. This hedgerow is a habitat of principle importance and will largely be removed to allow for access. The access has been agreed in principle with Surrey County Council (SCC) highways and has been subject to a Stage 1 Road Safety Audit, undertaken by an independent auditor who has agreed the location and design as being fir for purpose. The access was reviewed by NEO Transport Planning and a review of access was conducted alongside ecological assessments and review of safety and visibility requirements, amongst other material considerations. Moving access further south, for example, would result in the requirement to remove mature trees and potentially greater length of hedgerows. As such, a full review of how access was determined has been made.

5.38 The loss of the hedgerow is not considered ecologically significant, with no slow worms or dormice associated with the hedgerow and lower passes of bats recorded along this edge compared with other recording stations. The hedgerow was heavily managed, kept short and tight, reducing the value of the hedgerow. Furthermore, the hedgerow is dominated by hawthorn, with only rare occurrences of other woody species. However, the habitat does provide some value for birds and other species, such as common invertebrates and some, albeit limited, value for bats.

5.39 Considering this, recommendations were made to incorporate significant new hedgerow planting within the scheme for compensation measures. The creation of new hedgerow networks around the entrance to the site, along the northern aspect of the site, and through the central areas, provides new linear corridors for a range of species. The Landscape Ecological Management Plan (LEMP) will ensure that the species rich hedgerows will be managed for wildlife, creating a robust green edge and new opportunities for a range of species. Species rich planting, including a range of species which fruit and flower, and therefore provide a range of food resources, have been recommended.

5.40 The creation of new hedgerows is considered compensation for the loss of most of the existing hedgerow. This is acceptable in terms of the mitigation hierarchy, especially where the net gain in hedgerow lengths is considered significant. As is the case here. As such it is considered that the loss of the section of hedgerow is not ecologically significant and that compensation measures will provide higher levels of linear features and species rich planting, managed for wildlife and will provide a robust net gain.

5.41 Concerns have been raised with impacts on the ancient woodland and the wet woodland, The Bogs pSNCI, with regards to impacts associated with development. These impacts are usually related to recreational impacts (wear and tear of the habitats), pollution, lighting and potential for impacts resulting from domestic pets.

5.42 The ancient woodland is off site and under private ownership. There are no formal paths within the ancient woodland and no formal access existing from the site currently. The wet woodland located within the site red line, again, does not support formal paths.

5.43 Furthermore, the woodland (the wet woodland and therefore the off site ancient woodland) is to be fenced off to prevent any access. The fence line will be along the 15m ancient woodland edge and outside the wet woodland habitat. The fence line will be planted on either side with native thorny species to further reduce any potential incursion. Figure EP2 shows the extent of the ancient woodland buffer zones, the buffer zones of the pSNCI and the location of the paths and the development.

5.44 Activities such as fly tipping and littering will be minimalized through natural surveillance and long term management (for example under a Landscape Ecological Management Plan LEMP).

5.45 Domestic pets, such as cats can impact protected species such as dormice. However, none were located within the edges of the site or where woodland was surveyed. However, with the planting of new thorny scrub habitat on the woodland edge would deter cats from access. Recreation and dog walking will be provided through on site recreation uses and the retention of the Public Right of Way (PROW). This PROW will retain the linkages to footpath 98. The PROW will be managed to ensure that additional footfall is contained. Therefore, the long term management of these areas would ensure that impacts resulting from an increase in the local population can be properly address, managed and mitigated. The design of the site also retains the circular route, which is not a formal footpath route, around the development. This will allow continual use of the site for dog walking.

5.46 In terms of indirect impacts, there is no removal of networks of woodland, no isolation or fragmentation, and no loss of semi natural edges to woodland. The ancient woodland lies outside the development and therefore no impacts are predicted on tree management. However, the woodland edge (inside the red line boundary) will be enhanced with cherry laurel and bamboo removal, alongside Himalayan balsam removal to ensure long term resilience. The creation of a network of scrub and neutral grassland edges will provide a natural ecotone to the woodland edge. There is no loss of semi natural habitat, with the arable field not supporting features or habitats of ecological value.

5.47 With regards to lighting, lighting can be conditioned as part of the planning permission. However, dark routes, notably along the edges of the woodland to the south (The Bogs pSNCI and the off site ancient woodland). All edges will be kept as dark corridors to allow for the continual movement of bats around the landscape.

5.48 In summary, the mitigation measures include:

- A Construction Environmental Management Plan (CEMP) will be implemented during construction which will remove impacts such as dust and water pollution, this will be provided as a condition of planning;
- 15m buffer established between the ancient woodland and any development;

- A fence established outside the 15m buffer, but along the woodland edge (within the red line boundary, outside The Bogs pSNCI to restrict access into the off site woodland;
- New thorny scrub buffer planting along the fence line. This will include thorny species such as hawthorn, guelder rose and bramble;
- The creation of footpaths around the edges of the site and around the SuDS features and wildflower grassland to provide recreational value;
- The use of the LEMP to provide long term management to optimize species diversity in the woodland (making the woodland edges more resilient), managing scrub edges to ensure these provide a deterrent (for cats and local residents), and the manage recreational impacts around the edges of the site;
- A sensitive lighting plan to ensure the southern and western edges are retained as dark corridors with no lighting greater than 0.4lux.

**Summary of Reasons for Refusal**

5.49 In summary:

- Lack of agreement on hydrological impact on The Bogs pSNCI and the ancient woodland;
- Impacts on protected habitats, notably The Bogs pSNCI wet woodland and the ancient woodland;
- Removal of the hedgerow, a habitat of principle importance;
- Impacts on ancient woodland and The Bogs pSNCI from urbanisation impacts, including recreation pressure.

5.50 Each of the above issues have been addressed within this proof. The hydrological impacts are also detailed in the proof of evidence of Ardent and Motion. The hydrological impacts which have been reviewed in this proof have been entirely informed by the hydrological consultants. The hydrological advice states that negligible change on the water flows are predicted as a result of the development. With the ground water / spring, over land and ordinary water course flows characterised, no impacts on the integrity of The Bogs pSNCI and the ancient woodland, are therefore predicted.

5.51 With regards to the removal of the hedgerow, whilst there is a loss of a section of a habitat of principle importance, compensation measures, including extensive native hedgerow

and species rich hedgerow planting is proposed. There is a net gain in linear features within the proposals. The long term management of these hedgerows will ensure that they are maximised for wildlife value.

5.52 There are a number of protection measures which have been designed into the site and the layout to ensure that the off site ancient woodland and The Bogs pSNCI are protected in the long term. This includes, but is not limited to, no development within 15m of the ancient woodland, no development within 15m of The Bogs pSNCI, LEMP which will detail the long term management of retained and created habitats, a sensitive lighting scheme and construction safeguards. The provision of a circular walk and the retention of the PROW will ensure that recreation is retained within the scheme and access management to ensure The Bogs pSNCI and ancient woodland retained protected.

## 6.0 Conclusions

6.1 In respect of this appeal my conclusions regarding the proposed development are as follows:

- The habitats found on site include priority habitats, including the ancient woodland (located adjacent but off site) and the wet woodland (a part of The Bogs pSNCI). These features are being maintained in situ and are to be enhanced as part of the proposals;

- A hedgerow located along Barrow Green Road is a habitat of principle importance. However, this is in moderate condition due to heavy management and does not support dormice or slow worms associated with the structure. This section of the site also provides less value for foraging and commuting bats.

- The hydrology of the site has been fully characterised. The hydrological advice states that negligible change on the water flows are predicted as a result of the development. With the ground water / spring, over land and ordinary water course flows characterised, no impacts on the integrity of The Bogs pSNCI and the ancient woodland are therefore predicted.

- The hedgerow is to be largely removed. However, new hedgerow planting in line with compensation requirements, ensure there is a net gain in hedgerow habitat. Furthermore,

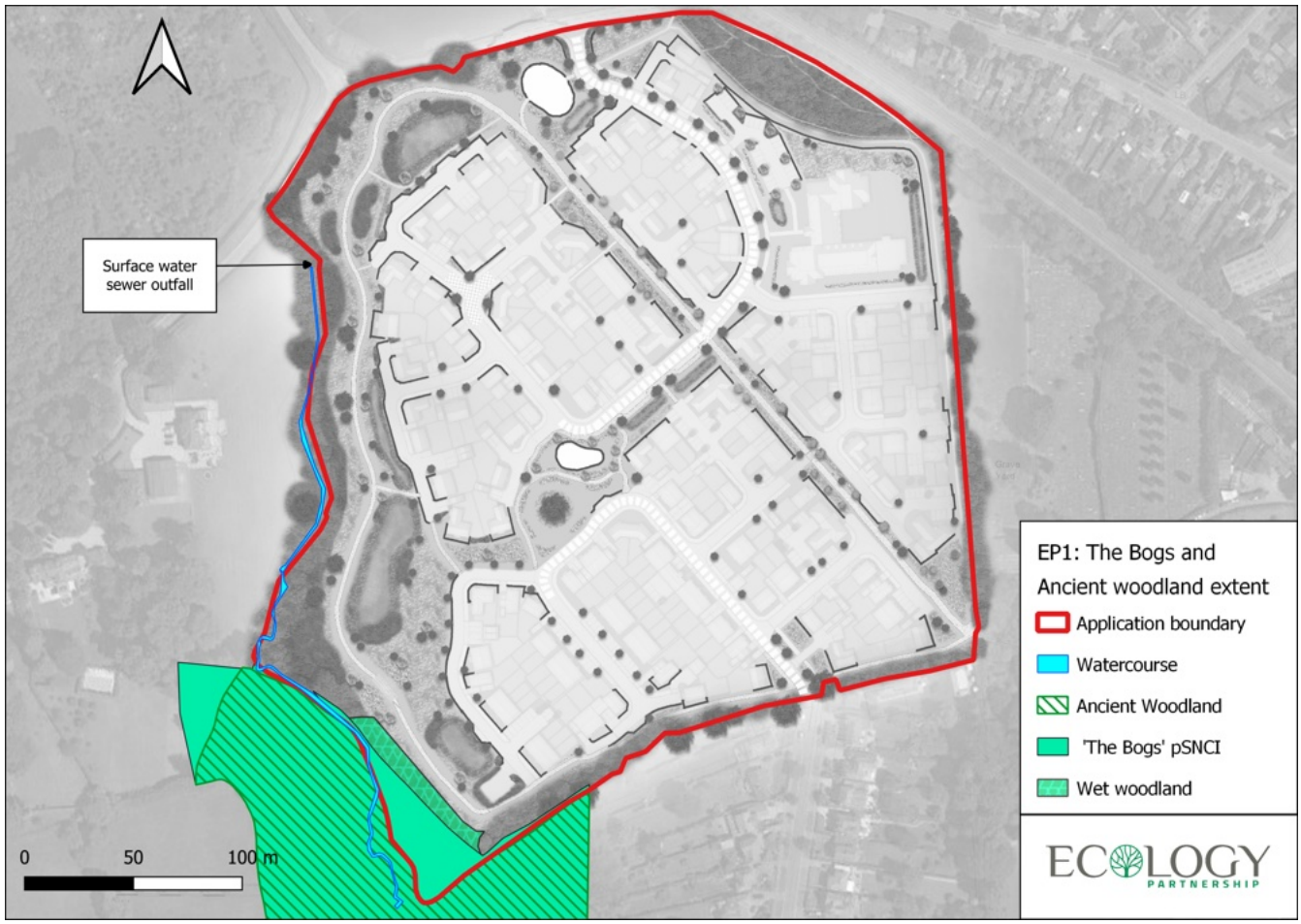
species rich hedgerows are to be planted and managed for wildlife, providing robust ecological features.

- Safeguard measures to ensure the off site ancient woodland and the wet woodland, The Bogs pSNCI, will ensure that no impacts on their integrity are predicted as a result of the proposed development. This includes, but not limited to, buffer zones, fencing, planting schemes and long term management. It is considered that the development will not result in impacts on these habitats.

- A long term management plan for the retained and enhanced habitats will be developed in line with the required 30 year management plan / LEMP for habitats which are included within the BNG assessment. The BNG assessment identified that the development of the site would result in a net gain. This will be achieved through the provision of new habitats such as SUDS, new scrub new tree planting and species rich grassland creation.

6.2 Having established these conclusions I further conclude that the objections relating to ecology are unfounded. Indeed, there is potential for minor benefits in terms of biodiversity gain and the long term management of habitats, that can occur in tandem with the development proposals.

**EP1: Extent of The Bogs pSNCI and the ancient woodland**



**EP2: Ancient woodland and The Bogs pSNCI buffers**