Ecology Proof of Evidence

Kenley Aerodrome, Victor Beamish Avenue, Caterham, Surrey

Daniel Watney

Development of the site for 80no. residential dwellings including 50% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access)

PINS APPEAL REFERENCE:

APP/M3645/W/24/3354498

APPLICATION REFERENCE:

TA/2023/878

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PROTECTED SPECIES

This report contains sensitive information relating to protected species. The information contained herein should not be disseminated without the prior consent of Ecology Solutions.

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Appendices

1. Qualifications and Experience

1.1. My name is Owen Hallett. I hold a BSc (Hons) degree in Biology from Southampton University, an MSc in Conservation & Biodiversity from the University of Exeter and I am a qualifying member of the Chartered Institute of Ecological and Environmental Management.

1.2. I have worked both on a voluntary and professional basis with a number of conservation organisations in the UK and overseas[1]. I have undertaken consultancy work for a range of organisations, companies and individuals, joining Ecology Solutions Ltd in 2021.

1.3. I have experience in undertaking species surveys, assessing schemes and identifying mitigation strategies in relation to a range of ecological constraints including nationally and internationally designated sites, protected species, and habitats of high conservation importance. In particular I have experience in relation to the habitats and protected species relevant to this appeal.

1.4. I have been involved with section 78 appeal work for a variety of residential-led schemes working recently with Taylor Wimpey, Wates, Grants of Shoreditch and Buccleuch Properties, and have provided evidence for judicial review proceedings. I have also worked to survey biodiversity, design mitigation strategies, and support planning applications for a range of residential, industrial and infrastructure projects across England, Wales and Northern Ireland, particularly with national house-builders such as Legal & General, Cala Homes and Taylor Wimpey. As part of these schemes I have often engaged with local ecologists, Wildlife Trusts and Natural England.

1.5. I have been involved in this project since June 2024 and am familiar with the site, the survey and assessment work undertaken, and the Appeal Proposals and package of avoidance, mitigation and enhancement proposals which these include.

1.6. My Evidence is true and is given in accordance with the guidance of my professional institutions, and I can confirm that the opinions expressed are my true and professional opinions.

[1] Including The Earth Trust, Wildlife Sense, Bournemouth, Christchurch and Poole Council – Reserve Management Team, Cornwall Wildlife Trust

2. Background

2.1. Ecology Solutions was contacted by the Appellant, Daniel Watney, in June 2021 and instructed to undertake an Ecological Assessment of Land at Kenley Campus, Caterham (hereafter referred to as the 'Appeal Site').

2.2. In order to support the design of the scheme a suite of ecological surveys was undertaken, with these used to inform the eventual proposals, and subsequently to underpin an Ecological Assessment submitted in 2023.

2.3. As stated above, several years of detailed ecological surveys have been undertaken across the Appeal Site in order to provide a robust evidence base, to ensure that proposed enhancement measures are realistic and achievable, and that mitigation is proportionate. The surveys undertaken are set out in detail in Section 5, however by way of summary have included Phase 1, Bat, Badger, Bird and Reptile surveys.

2.4. The proposals have been subject to consultation with responses lodged by a number of parties. Natural England was consulted and returned a response on 2nd October 2023 stating No Objection to the proposals. Surrey Wildlife Trust also provided a response with the key aspects of this being requests for further information, additional assessment and the securing of protective measures prior to commencement.

2.5. The local planning authority issued a decision notice on 13th May 2024 refusing permission for the scheme on a number of grounds. One of these – Reason for Refusal 7 – relates to ecology, specifically asserting that insufficient information had been provided to demonstrate that the Appeal Proposals would conserve and enhance the natural environment and deliver an appropriate level of net gain.

2.6. Following discussions with Surrey Wildlife Trust and the submission of additional information the concerns underpinning the Reason for Refusal have been resolved, and there is no outstanding objection in relation to Ecology from either the LPA or any other body. For the sake of clarity the process by which this position has been reached is discussed fully in later sections of my Evidence.

3. Purpose of my Evidence

3.1. As outlined above, no in-principle objections have been raised by either the LPA or the key consultees. Whilst limited and specific concerns were previously raised by Surrey Wildlife Trust, through the submission of additional information these have been resolved and Ecology is now an agreed matter.

3.2. Mindful that confidence in the assessment process and its findings is essential, I will in my Evidence provided additional clarification where necessary to assist the Inquiry in relation to the ecological matters raised.

3.3. In summary, in my Evidence I will demonstrate that:

- The Appeal Site has been subject to extensive ecological surveys, completed by professional consultants, such that all relevant ecological constraints have been identified and fully considered throughout the assessment process with particular regard to the relevant legislation pertinent to ecology and nature conservation;

- Opportunities to deliver improvements for biodiversity have been considered and can be secured as part of the scheme, and where mitigation and enhancement measures have been proposed, these are achievable and proportionate based on professional judgement and best practice principles; and

- Through discussion and submission of additional information the concerns raised by Surrey Wildlife Trust have been addressed, allowing the Ecology Reason for Refusal to be resolved.

3.4. Finally, conclusions are drawn together with a summary of my Evidence.

4. Legislation and Planning Policy

National Planning Policy Framework (July 2021)

4.1. Guidance on national policy for biodiversity and geological conservation is provided by the National Planning Policy Framework (NPPF), with the 'current' version of this framework at the time of the application being that published in July 2021.

4.2. It is noted that the NPPF continues to refer to further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system provided by Circular 06/05 (DEFRA / ODPM, 2005) accompanying the now-defunct Planning Policy Statement 9 (PPS9).

4.3. The key element of the NPPF is that there should be "a presumption in favour of sustainable development" (paragraphs 10 to 11).

4.4. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 174).

4.5. The NPPF also considers the strategic approach that Local Authorities should adopt with regard to the protection, maintenance and enhancement of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.

4.6. Paragraphs 179 to 181 of the NPPF comprise a number of principles that Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments; provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for; applying the protection given to European sites to potential Special Protected Areas (SPA), possible Special Areas of Conservation (SAC), listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites; and the provision for the refusal for developments resulting in the loss or deterioration of 'irreplaceable' habitats – unless there are 'wholly exceptional reasons' (for instance, infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.

4.7. National policy therefore implicitly recognises the importance of biodiversity and that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

4.8. As referenced above, the NPPF has been subject to several updates since the Appeal Proposals were submitted. It should be noted, however, that the presumption in favour of sustainable development remains a guiding principle, and furthermore those aspects of relevance in respect of nature conservation have not been subject to material change as part of more recent iterations of the framework.

Tandridge District Core Strategy

4.9. The Core Strategy was adopted in October 2008, and forms part of the Local Development Scheme (LDS). The core strategy contains one policy (CSP17) of relevance to nature conservation.

4.10. Policy CSP17 refers to the protection and enhancement of biodiversity and the supporting text makes reference to the protection of statutory and non-statutory designated sites.

Tandridge Local Plan Part 2 – Detailed Policies (LP2)

4.11. Tandridge council advise that the cores strategy should be read in conjunction with the Tandridge Local Plan Part 2: detailed policies, that was adopted in July 2014.

4.12. The Tandridge Local Plan Part 2 contains one policy (DP19) that is of relevance to nature conservation. This policy is specifically concerned with the protection/enhancement of green infrastructure, the restoration/creation of Priority Habitats/Species and the protection of irreplaceable habitats, as well as the protection of statutory designated sites.

Caterham, Chaldon and Whyteleafe Neighbourhood Plan

4.13. The Caterham, Chaldon and Whyteleafe Neighbourhood Plan was adopted 24th June 2021 and forms part of the current LDS. While the Neighbourhood Plan makes reference to improving biodiversity and endangered species, there are no specific policies within the plan in relation to nature conservation.

5. Baseline Ecological Conditions

5.1. The Appeal Site primarily comprises areas of species-poor semi-improved grassland, recolonising vegetation, two areas of woodland and a large number of scattered trees. Small areas of scrub and ruderal vegetation are also present, along with areas of hardstanding and existing development including one building in the south of the site and a further dilapidated building in the north.

5.2. The Appeal Site is located to the northwest of Caterham and is bordered to the northwest by Kenley Airfield, to the northeast by woodland and residential gardens, to the southeast by Salmons Lane and Salmons Lane West roads with open green space and residential development beyond, and to the southwest by existing residential development.

5.3. To support the planning application, a comprehensive suite of ecological surveys was carried out by Ecology Solutions over a number of visits between June 2021 and May 2023. A summary of ecological surveys is provided in Table 1.

Table 1: Summary of ecological surveys carried out to support the planning application.

Survey	Date
Extended Phase 1 Habitat Survey	June 2021
Bat tree potential roost feature (PRF) assessment	June 2021
Badger field signs surveys.	Throughout summer of 2021.
Bat activity transect surveys	July – October 2021
Bat static automated surveys	July – October 2021
Bat activity transect surveys	April – June 2022
Bat static automated surveys	April – June 2022
Reptile presence/absence surveys.	May 2023 (7 visits).
Extended Phase 1 Habitat Survey	May 2023
Badger field signs surveys.	May 2023

5.4. It should be noted that the time period over which these surveys have been undertaken means that the results do not represent a single snapshot of the Appeal Site, but instead are a robust baseline against which potential effects of the Appeal Proposal may be considered with a high level of confidence.

Designated Sites

5.5. **Statutory Sites**: There are no statutory designated sites of nature conservation value within or immediately adjacent to the site. The nearest statutory designated site is the South London Downs National Nature Reserve (NNR) located approximately 0.14km west of the site and supporting grassland, scrub and woodland habitats. The potential for adverse impacts on this site is discussed in detail in Section 8 below.

5.6. The closest SSSI is the Farthing Downs and Happy Valley SSSI which is located approximately 1.74km southwest of the site. This SSSI is designated for its species-rich chalk and neutral grasslands and for an area of ancient woodland that support a range of botanical species.

5.7. **Non-statutory Sites**: There are no non-statutory designated sites within the site itself. The closest non-statutory designated sites are Coulsdon Court Wood and Betts Mead Borough Importance Grade I, located approximately 0.14km west of the site and the Kenley Aerodrome Borough Importance Grade II located approximately 0.14km northwest of the site boundary. The extent of Coulsdon Court Wood and Betts Mead Borough Importance Grade I overlaps in part with South London Downs NNR and is designated for its mixed woodland and meadow habitats. Kenley Aerodrome is designated for its neutral and acidic grassland habitats and woodland copses.

5.8. The closest site of Metropolitan Importance is Kenley Common which lies approximately 0.4km north of the site and is designated for its acid and chalk grassland, as well as ancient woodland habitats.

5.9. The closest potential Site of Nature Conservation Importance (pSNCI) is Blize Wood & Joysons Hill pSNCI that lies approximately 0.3km east of the site. The closest Site of Nature Conservation Importance (SNCI) is Manor Park SNCI, located approximately

0.75km southeast of the site at its closest point. Manor Park SNCI is designated for its calcareous and mesotrophic grassland habitats.

Habitats

5.10. A summary of the habitats and species recorded during the ecological surveys is provided below. Further information is available within the Ecological Assessment.

Species-poor semi-improved grassland

5.11. Areas of species-poor semi-improved grassland are present throughout the site and appear to be subject to limited management. Species present within the sward include Meadow Foxtail *Alopecurus pratensis*, Yorkshire-fog *Holcus lanatus*, Annual Meadow-grass *Poa annua*, Cock's-foot *Dactylis glomerata*, Perennial Rye-grass *Lolium perenne* and False Oat-grass *Arrhenatherum elatius*. Herbaceous species present include Yarrow *Achillea millefolium*, Spear Thistle *Cirsium vulgare*, Cat's-ear *Hypochaeris radic*ata, Creeping Buttercup *Ranunculus repens*, Dove's-foot Crane's-bill *Geranium molle*, Meadow Vetchling Lathyrus pratensis, Field Bindweed *Convolvulus arvensis*, Germander Speedwell *Veronica chamaedrys*, Common Vetch *Vicia sativa*, Red Clover *Trifolium pratense*, Lady's Bedstraw *Galium verum* and Bird's-foot-trefoil *Lotus corniculatus*. In addition, Pyramidal Orchid *Anacamptis pyramidalis* was recorded within the southernmost area of grassland.

Recolonising Vegetation

5.12. Areas of hardstanding comprising concrete and rubble present within the north of the site and are in the process of recolonising into grassland. Species present within the sward include Creeping Bent *Agrostis stolonifera*, False Oat-grass and Cock's-foot, with herbaceous species including Black Medick *Medicago lupulina*, Yarrow, White Stonecrop *Sedum album*, Hare's-foot Clover *Trifolium arvense*, Perforate St John's-wort *Hypericum perforatum*, Rough Hawkbit *Leontodon hispidus*, Spear Thistle, Bird's-foot-trefoil, Goat's-beard *Tragopogon pratensis*, Teasel, Creeping Cinquefoil *Potentilla reptans*, Common Knapweed *Centaurea nigra*, Oxeye Daisy *Leucanthemum vulgare*,

Red Clover *Trifolium pratense*, Rose *Rosa* sp. saplings, Common Restharrow *Ononis repens*, Pyramidal Orchid (recorded in 2 locations) and Yellow Rattle *Rhinanthus minor*.

Amenity Grassland

5.13. A large area of amenity grassland is present within the south of the site, while amenity grassland verges are present along the road, as well as small areas located within the wider study area. The amenity grassland is regularly managed to maintain a short sward and comprises Perennial Rye-grass, Annual Meadow-grass and Red Fescue *Festuca rubra*, with herbaceous species present including Greater Plantain *Plantago major*, Daisy *Bellis perennis*, Selfheal *Prunella vulgaris*, White Clover *Trifolium repens*, Yarrow, Cat's-ear and Black Medick.

Scrub

5.14. An area of scrub is present within the centre of an area of recolonising vegetation. This area is dominated by Bramble *Rubus fruticosus agg*., with other species present including Hawthorn *Crataegus monogyna*, Dog-rose *Rosa canina,* Traveller's-joy *Clematis vitalba*, Yellow Loosestrife *Lysimachia vulgaris* and Hedge Bindweed *Calystegia sepium*.

5.15. An 'L' shaped area of scrub lies along the northwestern boundary of the site and largely comprises Goat Willow *Salix caprea* that appears to be subject to limited management.

Ruderal Vegetation

5.16. An area of ruderal vegetation is present within the northeast of the site and includes Common Nettle *Urtica dioica*, Hedge Bindweed, Cow Parsley *Anthriscus sylvestris*, Cleavers *Galium aparine* and Teasel *Dipsacus fullonum*.

Broad-leaved Woodland

5.17. There are two areas of woodland present within the site, each of which is described individually below.

5.18. Woodland W1 lies in the west of the site and includes Pedunculate Oak *Quercus robur*, Lime *Tilia x europaea*, Turkey Oak *Quercus cerris*, Ash *Fraxinus excelsior*, Larch *Larix*

decidua, Scots Pine *Pinus sylvestris*, Field Maple *Acer campestre*, Cherry Laurel *Prunus laurocerasus*, Claret Ash *Fraxinus excelsior* and Whitebeam *Sorbus aria agg*.. The ground flora, where present, is largely dominated by grasses. Understorey vegetation is absent, and combined with the lack of specimens of different age classes within the woodland this leads to structural diversity and regeneration being extremely limited.

5.19. Woodland W2 is located in the east of the site and includes Pedunculate Oak, Lime, Ash, Sycamore *Acer pseudoplatanus* and Pine *Pinus* sp. The ground flora is dominated by ruderal species including Common Nettle, Broad-leaved Dock *Rumex obtusifolius*, Hogweed, Cow Parsley, Cleavers and the invasive Schedule 9 species Japanese Knotweed *Reynoutria japonica*, with grass species present including Yorkshire-fog, Cock's-foot, Annual Meadow-grass, Common Vetch, Creeping Buttercup and woodland flora including Ground-ivy *Glechoma hederacea* and Broad-leaved Helleborine. Once again, the majority of the trees are of the same level of maturity, with no signs of regeneration and understorey vegetation being absent.

Scattered Trees

5.20. A number of trees are scattered throughout the site and wider study area including Rowan *Sorbus aucuparia*, Claret Ash, Lime, Whitebeam, Horse Chestnut *Aesculus hippocastanum*, Beech *Fagus sylvatica*, Cedar *Cedrus* sp., Leyland Cypress *Cupressus leylandii*, Pedunculate Oak, London Plane *Platanus x hispanica*, Holly *Ilex aquifolium* and Goat Willow.

Japanese Knotweed

5.21. A single stand of Japanese Knotweed is present within the eastern woodland block (W2).

Buildings

5.22. One building is present within the south of the site. This is an electricity substation and is in a good state of repair, being of concrete construction with a flat roof.

5.23. In addition, a dilapidated building is present in the north of the site comprising brick walls with no roof present.

Hardstanding

5.24. Areas of hardstanding are present throughout the site and comprise roads constructed of tarmac, as well as areas of concrete.

Protected and Notable Species

Bats: Trees

5.25. Four trees were identified as bearing features with the potential to support roosting bats. Further details regarding these trees and their characteristics are set out in Section 7 below.

5.26. Neither building is considered to offer suitable roosting features for bats.

Bats: Transect and static and automated surveys

5.27. Bats were recorded foraging within and commuting across the site, with the majority of the registrations returned from locations within or adjacent to the trees and scattered scrub. The registrations were primarily for Common Pipistrelle, with occasional recordings of other species including Nathusius' Pipistrelle, Noctule, Leisler's Bat and Myotis species.

Badgers

5.28. The Appeal Site has been repeatedly surveyed for Badgers, with searches for evidence of sett digging, foraging, or signs of individuals passing through the site. Whilst a single mammal entrance was identified in the north of the site, this was considered to be used by foxes due to the repeated observations of this species around this area of the site and the absence of signs of badger activity within the site.

Birds

5.29. The Red Listed and Priority Species Linnet *Linaria cannabina* was recorded within the site during surveys, while a number of common species were also recorded including Carrion Crow, Blackcap *Sylvia atricapilla*, Blackbird *Turdus merula*, Wren *Troglodytes*

troglodytes, Jay *Garrulus glandarius*, Whitethroat *Sylvia communis*, Jackdaw *Corvus monedula* and Magpie *Pica pica*.

5.30. It is considered that the recolonising vegetation and species-poor semi-improved grassland offer suitable foraging opportunities for a range of common bird species, while the scrub, woodland and scattered trees are considered to offer foraging and nesting opportunities for common bird species.

Reptiles

5.31. It is considered that the species-poor semi-improved grassland, scrub and recolonising vegetation within the site offer suitable habitat for reptiles given their limited management. The woodland could also offer some shelter/hibernation opportunities for this faunal group.

5.32. In response to this, specific surveys for reptiles were conducted in May 2023 within the grassland, scrub and recolonising vegetation across the site. No evidence of the presence of reptiles was recorded.

6. Position of Key Parties/Consultees

6.1. In this part of my evidence I consider the position adopted by Natural England, Surrey Wildlife Trust and Tandridge District Council.

Natural England

6.2. As set out in Section 2 above, Natural England – the government's statutory consultee – has been consulted regarding the Appeal Proposals.

6.3. A consultation response was returned on 2nd October 2023, stating a position of No Objection.

Surrey Wildlife Trust

6.4. A consultation response was received from Surrey Wildlife Trust dated 19th October 2023.

6.5. The comments set out in this response largely fell into three categories:

- Additional information regarding protected species (including the justification for the level of survey effort and scoping out certain surveys);
- Further assessment of the potential impacts of the Appeal Proposals on ecological receptors including local designated sites and habitats; and
- The need for certain measures to be set out and secured prior to commencement (such as a sensitive lighting scheme, invasive species management plan and a CEMP/LEMP).

6.6. In order to address these matters a meeting was held between Ecology Solutions and Surrey Wildlife Trust with the LPA in attendance. The nature of the concerns raised by Surrey Wildlife Trust in their initial consultation was discussed, and in response additional information has been provided. Key information submitted is set out in Appendix 1 – 3.

6.7. Following submission of this additional information Surrey Wildlife Trust wrote to the LPA stating:

"On the 21st January 2025 we advised Tandridge District Council that we are satisfied with the further information and assessment submitted"

6.8. A number of requests for pre-commencement planning conditions remain, and are discussed further below.

6.9. **CEMP.** The first suggested condition requires that a Construction Environmental Management Plan: Biodiversity is drafted and agreed prior to commencement. This is considered appropriate to ensure that potential construction-related impacts are assessed, and appropriate mitigation and monitoring is secured.

6.10. **LEMP.** Secondly a Landscape and Ecological Management Plan will be drafted, setting out the detailed habitat enhancement and creation measures, the provision of further enhancement features, and targeted measures such as invasive species management. Once again the condition is considered appropriate to secure the proposed ecological enhancements associated with the Appeal Scheme.

6.11. **Sensitive Lighting Strategy.** A lighting strategy will be drafted to ensure that lighting across the scheme will accord with the biodiversity objectives, retaining dark corridors across habitats as necessary to allow nocturnal species to access new and enhanced foraging resources.

6.12. **Badgers.** Prior to commencement this condition secures an updated walkover to survey the site for signs of badger activity and inform the need for mitigation measures. Given the highly dynamic nature of Badgers this is considered a reasonable measure in order to ensure that harm to this species is avoided.

6.13. **Bats.** An updated ground level tree roost assessment is required by this condition. This is considered reasonable in order to ensure that no new features with the potential to support roosting bats have developed since previous work, and inform the mitigation (if any) required to ensure no roosting bats are harmed and that opportunities for this group are maintained.

6.14. **Reptiles.** This condition requires that a reptile mitigation and habitat enhancement strategy is submitted. Whilst opportunities for reptiles on site are currently negligible (and as set out above detailed surveys found them to be absent from the site) this can

be drafted on a precautionary basis, and can set out the proposed enhancements for this group should they later colonise the site.

6.15. For the sake of completeness, I will set out in later sections the initial concerns raised by Surrey Wildlife Trust, together with the information submitted which has led to the removal of the objection.

Local Planning Authority

6.16. Informed by the initial response of Surrey Wildlife Trust the Officer's Report put forwards a recommendation for refusal, which in turn led to a series of Reasons for Refusal (RfR) as set out in the decision notice. RfR 7 relates to Ecology and states:

> *"Insufficient information has been provided to demonstrate that the proposed development would conserve and enhance the natural environment and deliver an appropriate level of biodiversity net gain. As a result, the proposal would conflict with the requirements of Policy CSP17 of the Tandridge District Core Strategy 2008, Policy DP19 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and the National Planning Policy Framework (December 2023)."*

6.17. Referencing the response returned from Surrey Wildlife Trust the Officer's Report states:

> *"Surrey Wildlife Trust have provided detailed comments highlighting that further ecological information would be required prior to determination of the application. The issues identified include further information regarding the potential impact of tree removal on bat habitats, the requirement for a sensitive lighting management plan, further survey work relating to the potential presence of hazel dormouse and reptiles, the requirement for an invasive species management plan, the requirement for a further assessment of the impact of the proposal on statutory and non-statutory sites, the need to assess whether any areas of lowland mixed deciduous woodland Habitat of Principal Importance are present on the site, the provision of greater detail on the classification of any grassland habitats to be lost and an assessment of what Biodiversity Net Gain could be delivered on the back of the development proposal.*

> *The submitted information does not currently allow the Council to conclude that there will be no adverse impacts on the South London Downs NNR and on Coulsdon Court Wood & Betts Mead and Kenley Aerodrome Sites of Borough Importance or on protected species, including reptiles, bats and dormouse or on protected flora. Therefore, given the lack of detailed information regarding the potential impact of the development on ecology and biodiversity and any potential Biodiversity Net Gain that could mitigate the loss of any existing habitat it has not proved possible to confirm that the proposal would accord with the requirements of Policy CSP17 of the Core Strategy and Policy DP19 of the Tandridge Local Plan.*

6.18. In addition, the LPA's Statement of Case was issued in December 2024, with this expanding on the underlying rationale for the ecological reason for refusal at paragraphs 7.29 – 7.32. As part of this the areas where information was suggested to be insufficient were set out and include the following:

- Clarification regarding the suitability of trees to be removed to support roosting bats; and further survey if required;
- Hazel dormouse presence/likely absence surveys;
- Clarification of extent of reptile presence/likely absence surveys;
- Clarification of classification of grassland habitats;
- Assessment of impacts on the nearby statutory and non-statutory sites;
- Detailed assessment of on-site woodland;
- Biodiversity net gain assessment.

6.19. As discussed above, following further discussion with SWT and the submission of additional information it has been confirmed that their concerns are addressed, and that subject to securing the conditions set out above no Reason for Refusal remains on the grounds of ecology. Sections 7 – 9 below explain the additional information submitted to reach this point, and demonstrate the justifications underpinning the removal of the ecology objections.

7. Adequacy of Surveys

7.1. Detailed surveys have been undertaken to establish the suitability of the site to support protected, priority or notable species. The methodology employed by each of these surveys is described in detail in Section 2.4. of the Ecological Assessment.

7.2. By way of summary, no evidence to suggest the current use of the site by Badgers or Reptiles was identified. Bats were recorded foraging within and commuting across the site, with the majority of the registrations returned from locations within or adjacent to the trees and scattered scrub. In addition, four trees were identified as having the potential to support roosting bats. A range of birds were recorded during the site surveys, and whilst these were generally common and widespread species, there were observations of birds of a higher conservation status such as Linnet. The habitats present with the site are considered to offer suitable foraging and nesting habitat for this group. With reference to the aspects previous raised in the LPA's Statement of Case, but now agreed to be resolved, further detail is provided below in order to satisfy the Inspector of the adequacy of the surveys and respond to 3rd party comments.

7.3. **Roosting Bats**. As set out above, a full survey of the trees within the Appeal Site was undertaken in order to identify any trees with features suitable to support roosting bats. This survey was undertaken in line with the Bat Conservation Trust (BCT) guidance which represents the best practice guidance in this area. The suitability categories provided by this guidance are set out in Table 2 below.

Table 2: Summary of 2016 BCT guidance regarding bat roost potential

Suitability	Description
Negligible	Negligible features likely to be used by roosting bats
Low	A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status

High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.

7.4. Four trees within the application site bear features suitable to support roosting bats. Further information is provided at paragraphs 4.8 – 4.11 of the Ecological Assessment and each tree is discussed below.Tree T1 is a large mature Lime tree with no visible features. However, given the size of this tree it was assigned low potential to support roosting bats.

7.5. Tree T2 is a Pine tree with a woodpecker hole present on its eastern aspect and in line with the 2016 BCT guidance this was assigned moderate potential to support roosting bats.

7.6. Tree T3 is a London Plane with three woodpecker holes on its southeastern aspect. Whilst it has a number of small features, none of these are considered likely to support a roost of high conservation status and the tree was therefore assigned moderate potential to support roosting bats.

7.7. Tree T4 is a London Plane with a rot hole on its western aspect and is therefore considered to have moderate potential to support roosting bats.

7.8. Further clarification regarding how these trees correspond to the arboriculture impact assessment was sought, and the references applied by both the ecology and arboriculture reports are set out in Table 3 below:

Table 3: Tree reference comparison across reports

Ecological Assessment Reference	Arboriculture Impact Assessment Reference
T1	T120
T2	Northernmost but one of line G57
T3	Northernmost tree of group G19
T4	Northwesternmost tree of group G19

7.9. By way of clarification, as stated in previous reporting none of these trees are to be removed by the Appeal Proposals.

7.10. **Hazel Dormice**. The woodland within the site is considered to comprise sub-optimal habitat for Hazel Dormice given the species composition (the absence of both Hazel and Honeysuckle, and very limited number of fruit/nut bearing species) which offers limited foraging opportunities for this species. Furthermore, both areas of woodland have a poor structure with very little understorey, with this representing a highly sub-optimal habitat for supporting Hazel Dormice.

7.11. The closest record of a Hazel Dormouse returned as part of the desk study was located approximately 1.6km northeast of the site and is separated by extensive urban development including two railway lines.

7.12. Notwithstanding the above, in order to provide additional confidence in this position a nut search exercise was undertaken in January 2025. This exercise involves the collection of gnawed nuts, followed by close inspection of feedings signs to seek to identify the distinctive gnawing patterns produced by Dormice. As anticipated, due to the lack of suitable vegetation on site only a small number of nuts/acorns etc. were found, and none bore the characteristic teeth-marks indicative of Dormouse feeding.

7.13. In view of these factors Dormice are not considered to be present within the Appeal Site, and therefore the Appeal Proposals cannot be considered likely to adversely impact this species. SWT and the LPA and now satisfied with this position.

7.14. **Reptiles**. The LPA's Statement of Case stated that clarification of the extent of reptile presence/likely absence surveys is required, however the previous (2023) SWT comments went further, suggesting that undertaking surveys of reptiles within one month is inappropriate. Regarding this it should be noted that all reptile surveys were undertaken in optimal conditions and in an optimal survey month (May). Indeed, in respect of survey timings the Herpetofauna Worker's Manual states "*April, May and September are the three key months. April and May have the added advantage of being the reptile mating season, which means that animals will be more obvious and less wary of observers".*

7.15. As highlighted in the Ecological Assessment (paragraphs 2.4.1 – 2.4.4), survey methodology followed best practice guidance, using 70 0.5m x 0.5m roofing felt tins placed within suitable habitat within the site. In response to a request for additional information the locations of these tins are illustrated in Appendix 4 of this Proof.

7.16. In view of the above, it is considered that a thorough assessment has been undertaken with regard to reptiles and that the conclusion of no reptiles present within the site is sufficiently robust to underpin subsequent assessment and conclusions. SWT and the LPA are now satisfied with this position.

7.17. **Habitat surveys – grassland**. The LPA's Statement of Case requested clarification regarding the nature of the grassland within the site, whilst the SWT comments suggested that the variety of grass and forb species including pyramidal orchids indicates a more species-rich sward.

7.18. It should be noted that whilst a number of species were recorded being present across the area which is covered by this classification, species diversity within individual areas is low, with Cock's-foot and Perennial Rye dominating much of the sward. Whilst the Phase 1 habitat survey methodology employed for these surveys does not quantify species-richness, the UKHab guidance which is now increasingly used does, stating that Modified Grassland (the updated equivalent to species-poor semi-improved grassland) is characterised by the presence of <9 species per m^2. The species diversity of these areas falls short of this threshold, and as such the description of 'species-poor' is considered correct.

7.19. Furthermore, whilst pyramidal orchids have been recorded, as illustrated in Plan ECO2 of the Ecological Assessment there are only a small number of locations throughout the site (6 in total) where this species have been recorded and therefore far from being representative of the overall grassland coverage these are rare occurrences within the wider sward.

7.20. It should also be noted that the area is currently subject to only sporadic management. When unmanaged, areas of grassland typically decrease in species diversity over time, with gradual nutrient enrichment and lack of suppression encouraging the development of a sward which is dominated by a small number of coarse, fast-growing species. This will in turn reduce the resources (e.g. water, light etc.) available

to those species of greater ecological interest such as the orchids and compromise their growth.

7.21. The exact categorisation of the grassland notwithstanding, the Appeal Proposals include the creation of approximately 0.6ha of species-rich grassland which can be created and managed primarily for biodiversity benefits. As part of this habitat creation, an appropriate species mix can be chosen to increase the floristic diversity of the site, and can include a variety of exemplar species such as pyramidal orchids such that the presence of these on site is maintained . Furthermore, these areas of grassland will be subject to a management regime which will ensure that rather than the current gradual decrease in quality the condition of the grassland – including aspects such as structural diversity and absence of suboptimal species – is maintained and improved over time. SWT and the LPA are satisfied with this position and the proposed LEMP condition can secure the enhancement measures discussed above.

7.22. **Habitat surveys – woodland**. As with the grassland above the classification of the woodland was queried. The assertion was made that the woodland may qualify as a Priority Habitat, and whilst a specific category is not asserted it is believed that the category of Lowland Mixed Deciduous Woodland (LMDW) is being suggested. The definition of this type of woodland (included at Appendix 4) describes it as occurring across a range of geographical locations, altitudes and soil types. A key defining characteristics is "great variety in the species composition of the canopy layer and the ground flora", although this is not quantified as part of the definition.

7.23. As alluded to above, defining characteristics of the on-site woodland are the lack of understorey structure, and homogeneous, grass-dominated ground flora. Rather than representing an example of a structurally-diverse woodland, both on-site parcels exist as a collection of mature specimens below which is present only sparse ground coverage. In addition to the understorey being absent, regeneration is limited with no clear sapling development providing replacement specimens for the canopy layer.

7.24. Regarding the canopy layer, and with reference to the habitat definition, a large number of non-native trees are present throughout the woodland parcels. Specifically, of the 29 species present only 12 are native, and rather than exhibiting a

canopy comprising any of the species listed in the LMDW definition, the woodland on site largely comprises Norway Maple, London Plane and Raywood Ash.

7.25. Furthermore, on account of the site's history, much of the woodland which is currently present was planted at a similar time, meaning that the woodland parcels lack diversity of age classes, with the trees present falling into the same age class and further hindering the development of a structurally diverse woodland.

7.26. Finally, as set out in the Arboriculture Impact Assessment, a number of the trees present within both woodland parcels exhibit signs of disease such as Massaria, Canker and Phytophthora, and the majority of the Ash trees are exhibiting Ash Dieback. This further indicates the suboptimal condition of the woodland, and suggests that without management further deterioration in condition and ecological value are highly likely.

7.27. On the basis of these factors the woodland parcels within the site are not considered to constitute Priority Habitat, and SWT and the LPA are now satisfied with this position.

7.28. As with the grassland above it should be noted is that whilst a small area of the existing woodland will be lost to facilitate the Appeal Proposals, the majority of the woodland will be retained and enhanced. Through measures such as selective felling to increase structural diversity, bolster planting to introduce new native species of local provenance, and planting to promote an improved ground flora and understorey, the overall condition of this woodland can be greatly improved, increasing both its intrinsic value as a habitat and also the opportunities provided for faunal groups. As with the other vegetation within the site, the detailed management and monitoring measures to be implemented can be secured through a habitat management plan in response to a planning condition if considered necessary – and in this way the Appeal Proposals will deliver an overall improvement in the quality and condition of woodland within the site.

8. Assessment of Potential Ecological Impacts

Designated Sites of Nature Conservation Interest

8.1. The designated sites located in the area surrounding the Appeal Site are discussed in Section 5 above. Regarding statutory designated sites, the LPA raised concerns regarding South London Downs NNR, and Coulsdon Court Wood & Betts Mead and Kenley Aerodrome Sites of Borough Importance.

8.2. As was identified within the Ecological Assessment an increased level of dust may arise during construction. In response to this, measures to mitigate dust emissions will be implemented during the construction phase. Any potential effects would be easily minimised through use of standard mitigation techniques such that residual effects are of negligible significance. Measures considered necessary to ensure adverse impacts are avoided can be secured through a CEMP, provided in response to a suitably worded planning condition.

8.3. In addition the potential for impacts as a result of increased recreational pressure were raised by Surrey Wildlife Trust.

8.4. It is noted that a large area of Coulsdon Court Wood and Betts Mead and the publicly accessible area of Kenley Aerodrome are managed both in their own right, and as part of the South London Downs NNR designation. These are areas where recreational use is actively promoted, and the reserve is subject to ongoing management in order to monitor public access and conserve biodiversity.

8.5. The excerpt below from the Kenley Common Management Plan (2021 – 2031) demonstrates this, stating:

> *"The open aspect and hard standing perimeter track offer opportunities for recreational activities such as walking and running all-year round.*
>
> *A network of informal grass footpaths are mown in the summer months around the meadows to maintain open access and discourage visitors from trampling wildflowers and grasses"*

8.6. As highlighted here, whilst the floristic diversity and abundance of the site are valuable features, there is an understanding of the existing impact pathway by which recreation

can impact key habitats and management is in place to address this. Specific management measures include:

- Regular ranger patrolling to provide visual presence and interaction with visitors;
- Regular litter picking to keep the site clean and safe for people and animals;
- Keeping paths and rides clear of encroaching vegetation and regularly mown;
- Providing and maintaining safe bridleways and permissive rides;
- Working towards making the site as accessible as possible for all site users;
- Improving particularly boggy parts of the unsurfaced path network for access; and
- Investigating alternative material to woodchip on bridleways to improve access year-round.

8.7. On this basis it is not considered that increased recreation could adversely impact these closest areas of greenspace as should an increase in pressure occur management could be updated to address this.

8.8. In addition, the existing development in the surrounding area must be considered, with these residents representing the majority of recreation within the designated sites. The populations of the surrounding areas as of the most recent census (2021) are set out in Table 4 below.

Table 4: Populations of existing development

Ecological Assessment Reference	Arboriculture Impact Assessment Reference
Caterham	**22,747**
Coulsdon	**15,420**
Kenley	**10,985**
Whyteleafe	**3,172**
Warlingham	**8,917**

8.9. The existing population of the settlements adjacent to the NNR is in the region of 61,000 people. Based on an average occupancy of 2.4 people per household, a proposed increase of 80 dwellings would equate to an additional 192 residents, or an increase of 0.3%. This cannot be considered to represent a significant increase over

the baseline and as such further supports the conclusion that no significant increase in recreational pressure is anticipated.

8.10. Given the extensive baseline level of usage discussed above (recreation is not currently prohibited within any of these designated sites), and the existing management regimes to which the sites are currently subject the minor increase in residents contextualised above cannot be considered likely to lead to a significant adverse impact. It is not considered that this conclusion would be altered by amendments to the designated sites boundaries. This position is now agreed with SWT and the LPA.

Protected Species

8.11. **Badgers**. Badgers were not recorded within the site. Precautionary measures can be implemented during construction, and through this there is no reason to suggest that there will be adverse impacts on this species as a result of the Appeal Proposals.

8.12. **Bats**. No trees with identified Potential Roost Features are to be removed. Pre-commencement checks of any trees which are to be felled or heavily pruned can be undertaken prior to the commencement of such works. In view of this, and the enhancement measures which can be provided for this group in the form of new roost features and improved foraging habitat it is not considered that there will be adverse impacts on this group.

8.13. **Birds.** Similarly, protective measures during construction and the retention of areas of woodland and scrub would conserve opportunities for birds, whilst the creation of nest boxes and new high-value foraging habitat would enhance the site's value for this group.

8.14. For other groups which are not currently using the site but which may colonise it in future years, the delivery of botanically rich vegetation post-development will deliver new foraging and resting opportunities for these groups.

Habitats.

8.15. It should be noted that the site baseline does not contain any habitat which would be considered as 'irreplaceable habitat'.

8.16. The site baseline does comprise a number of different habitat types, with those of greatest ecological value in the context of the Appeal Site being the broadleaved woodland and scrub. Additionally, there are areas of recolonising vegetation towards the north of the site which – whilst not of particularly high botanical significance – could represent an important resource for certain faunal groups such as invertebrates.

8.17. Throughout the design of the proposals the principles of the mitigation hierarchy have been considered. In the first instance avoidance of habitat loss has been sought with parcels of woodland and mature individual trees conserved where possible. Following this, opportunities to deliver new high value habitats have been explored, with the proposals seeking to increase the overall floristic diversity of the site through the creation of areas of species-rich neutral grassland. In this way, the floristic diversity of the site can be maintained and increased by the Appeal Proposals, and the lost habitat can offset through the enhancement of existing vegetation and the diversification of habitats present across the site.

9. Delivery of improvements for biodiversity

9.1. Informed by detailed habitat survey work which allowed for the identification of areas of increased floristic diversity and ecological importance, the proposals have sought to retain areas of high value habitat where possible, and offset losses through the delivery of new areas of ecologically valuable vegetation.

9.2. As with many discussions regarding BNG at present, the position at the time of the applications' submission must be considered. The submission for this scheme was made prior to the Environment Act's requirement for a 10% net gain to be demonstrated, and therefore the contemporaneous policy position regarding Biodiversity Net Gain was dictated by the NPPF and local policy such as CSP17 of the Tandridge District Core Strategy which seeks the "maintenance, enhancement, restoration and, if possible, expansion of biodiversity".

9.3. Inevitably for a site of this nature some habitat will be lost to facilitate the development, however in order to address this the Appeal Proposals seek to retain and enhance existing habitats where possible, and diversify the habitats present within the site through the provision of new species-rich vegetation.

9.4. Whilst a small area of the existing woodland will be lost to facilitate the Appeal Proposals, the majority of the woodland will be retained and enhanced. Through measures such as selective felling to increase structural diversity, bolster planting to introduce new native species of local provenance, and supplementary planting to promote an improved ground flora and understorey. These measures will greatly improve the overall condition of this woodland, increasing both its intrinsic value as a habitat and also the opportunities provided for faunal groups, and in this way delivering an overall improvement in the quality and condition of woodland within the site.

9.5. Similarly, the site currently contains areas of species-poor grassland which are subject to only sporadic management. Whilst areas of existing species-poor grassland are to be lost, the Appeal Proposals include the delivery of areas of species-rich grassland which can be created and managed primarily for biodiversity benefits. As part of this habitat creation, an appropriate species mix can be chosen to increase the floristic diversity of the site, and can include a variety of exemplar species such as pyramidal

orchids such that the presence of these on site is maintained. Supplementary to this, green hay from one or more of the local designated sites could be used to encourage the grassland species present in these areas to establish within the site, maximising the grassland's contribution within the wider landscape. Furthermore, these areas of grassland will be subject to a management regime which will ensure that rather than the current gradual decrease in quality the condition of the grassland – including aspects such as structural diversity and absence of suboptimal species – is maintained and improved over time.

9.6. In addition to habitat-specific measures, the Appeal Proposals represent an opportunity to deliver a large number of new faunal enhancement features such as nest boxes for birds known to be present in the local area, bat roost boxes in mature retained trees, and log piles to provide improved opportunities for invertebrates and the faunal groups for which these act as a food source. These measures can be secured through the Landscape and Ecological Management Plan which is proposed by a draft condition.

9.7. In summary, the Appeal Proposals seek to minimise adverse impacts to existing habitats wherever possible, mitigate unavoidable losses through enhancement of retained vegetation, and deliver new areas of high-quality habitats designed and managed to optimise their ecological value. As such the Appeal Proposals can be considered to comply with local and national policy, a position further supported by the removal by Surrey Wildlife Trust of their objection in this regard.

10. Summary and Conclusions

10.1. Ecology Solutions has undertaken a range of ecological survey and assessment work on the Appeal Site since 2021.

10.2. The detailed faunal surveys conducted over a number of years allowed a robust ecological baseline to be identified, and for this to subsequently underpin reliable assessment work. Surveys were undertaken in line with relevant guidance such that complete and reliable results were returned.

10.3. No objection was raised by Natural England. Where concerns on ecology grounds have been raised by the local Wildlife Trust these have been addressed through the submission of additional information, and the prior objection has been removed. It is now the position that the Appellant and LPA are in agreement on these matters, and that subject to a number of planning conditions the Ecology Reason for Refusal has been resolved.

10.4. As such I consider the Appeal Proposals to be ecologically sound, and that there are no justifiable reasons for refusing the Appeal on Ecology/Biodiversity grounds.

APPENDICES

APPENDIX 1

Further Ecological Information Submission

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Further Ecological Information

1. Background

1.1. A meeting was held on Friday 10th of February during which Owen Hallett of Ecology Solutions and Robert Hutchinson of Surrey Wildlife Trust (SWT) discussed the written response provided by SWT in response to the proposals at Land at Victor Beamish Avenue, Caterham, Surrey.

1.2. This note seeks to provide further information to address these concerns. Informed by the SWT response issued on 19th October 2023 and the points raised during the meeting, this note discusses the following aspects:

- Identification of trees with potential to support roosting bats;
- Evidence underpinning an assessment of impacts on Dormice;
- Suitability of Reptile surveys;
- Assessment of recreational impacts on designated sites;
- Categorisation of woodland and grassland;
- Delivery of an overall betterment for biodiversity;
- Provision of further reports (invasive species management plan/LEMP/CEMP etc.); and
- Measures to ensure adverse impacts/harm to breeding birds, Badgers etc. is avoided.

2. Identification of trees with bat roost potential

2.1. As set out in the Ecological Assessment, four trees with features suitable to support roosting bats were identified. The references to these as set out by the Arboriculture Impact Assessment have been requested and are listed in Table 1 below.

Table 1: *Tree reference comparison across reports*

Ecological Assessment Reference	Arboriculture Impact Assessment Reference
T1	T120
T2	Northernmost but one of line G57
T3	Two northernmost trees of group G19
T4	Two northernmost trees of group G19

2.2. By way of clarification, none of these trees are to be removed by the proposals.

3. Assessment of Dormice

3.1. The woodland within the site is considered to comprise sub-optimal habitat for Hazel Dormice, given the species composition (the absence of both Hazel and Honeysuckle, and very limited number of fruit/nut bearing species) which offers limited foraging opportunities for this species. Furthermore, both areas of woodland have a poor structure with very little understorey, representing a sub-optimal structure for supporting Hazel Dormice.

3.2. A data search was undertaken with the local environmental records centre, and this returned the closest record of a Hazel Dormouse from a location approximately 1.6km northeast of the site. Given the extensive urban development in the intervening area (including two railway lines) it is not considered that dormice would be likely to disperse readily across the wider area, nor would they be likely to leave areas of greater suitability and colonise the site with its highly suboptimal habitat. Map can be included to further illustrate this if needed.

3.3. Notwithstanding the above, in order to provide additional certainty a nut search exercise was undertaken in January 2025. This exercise involves the collection of gnawed nuts, followed by close inspection of feedings signs to seek to identify the distinctive gnawing patterns produced by Dormice. As anticipated, due to the lack of suitable vegetation on site only a small number of nuts/acorns etc. were found, and none bore the characteristic teeth-marks indicative of Dormouse feeding.

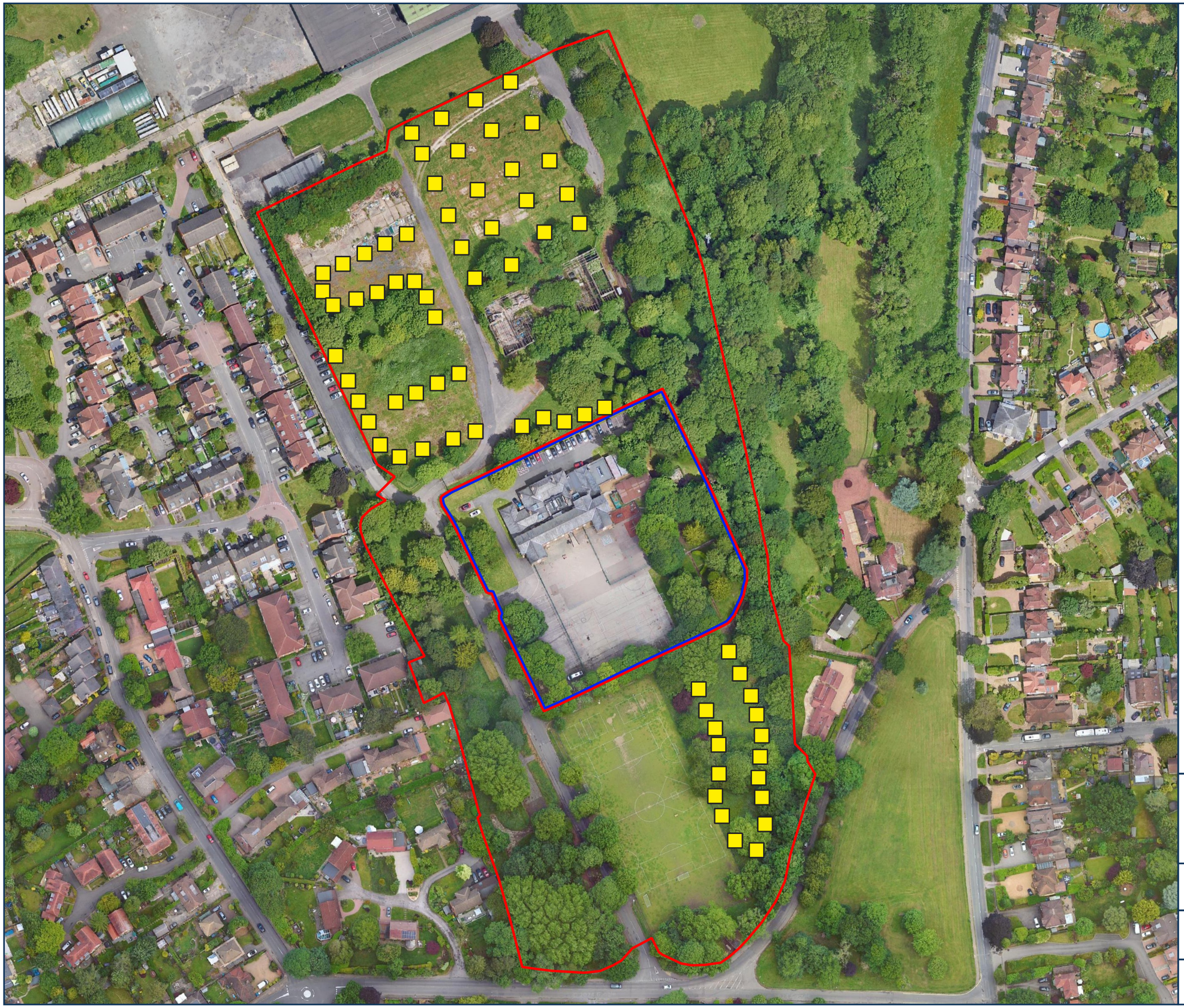
3.4. In view of the above it is not considered that the proposals have the potential to adversely impact Dormice.

3.5. Suggested condition if necessary: e.g. prior to clearance of vegetation a survey will be undertaken by a suitably qualified ecologist to ensure that

the suitability of the site for Dormice (or lack thereof) has not changed since the previous assessment work.

4. Suitability of Reptile surveys

4.1. The location of the refugia deployed while undertaking the Reptile surveys has been requested, and the plan overleaf illustrates these.



KEY:

- Site Boundary
- Wider Study Area
- Reptile Tin Locations

N

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REPTILE TIN LOCATIONS

Rev: A
Jan 2025

5. Assessment of Recreational Impacts on designated sites

5.1. As set out in the Ecological Assessment, a number of designated sites are present in the area surrounding the Appeal Site. Potential impacts through recreational pathways on Coulsdon Court Wood and Betts Mead, and the South London Downs National Nature Reserve (NNR) designation which covers much of these areas are queried by SWT and therefore further detail is set out below.

5.2. As noted above, the publicly accessible area of Kenley Common closest to the Appeal Site is managed both in its own right, and as part of the South London Downs NNR designation. These are areas where recreational use is actively promoted, and the reserve is subject to ongoing management in order to monitor public access and conserve biodiversity.

5.3. The excerpts from the Kenley Common Management Plan (2021 – 2031) demonstrate this, stating:

> *"The open aspect and hard standing perimeter track offer opportunities for recreational activities such as walking and running all-year round.*
>
> *A network of informal grass footpaths are mown in the summer months around the meadows to maintain open access and discourage visitors from trampling wildflowers and grasses"*

5.4. As highlighted here, whilst the floristic diversity and abundance of the site are valuable features, there is an understanding of the existing impact pathway by which recreation can impact key habitats and management is in place to address this. Specific management measures include:

- Regular ranger patrolling to provide visual presence and interaction with visitors.
- Regular litter picking to keep the site clean and safe for people and animals.
- Keeping paths and rides clear of encroaching vegetation and regularly mown.
- Providing and maintaining safe bridleways and permissive rides. • Working towards making the site as accessible as possible for all site users.
- Improving particularly boggy parts of the unsurfaced path network for access.
- Investigate alternative material to woodchip on bridleways to improve access year-round.

5.5. On this basis it is not considered that increased recreation could adversely impact these closest areas of greenspace as should an increase in pressure occur management could be updated to address this.

5.6. In addition, the existing development in the surrounding area must be considered, with these residents representing the majority of recreation within the designated sites. The populations as of the most recent census (2021) are set out in Table 2 below.

Table 2: *Populations of existing development*

Ecological Assessment Reference	Arboriculture Impact Assessment Reference
Caterham	**22,747**
Coulsdon	**15,420**
Kenley	**10,985**
Whyteleafe	**3,172**
Warlingham	**8,917**

5.7. The existing population of the settlements adjacent to the NNR is in the region of 61,000 people. Based on an average occupancy of 2.4 people per household, a proposed increase of 80 dwellings would equate to an additional 192 residents, or an increase of 0.3%. This cannot be considered to represent a significant increase over the baseline and as such no significant increase in recreational pressure is anticipated.

5.8. Going further still, the desire for people to access South London Downs NNR is made clear by a Government publication from 2019[1] which states:

> *"The NNR will increase opportunities for leisure, recreation and improved access to nature for some of the 385,000 people living in Croydon and beyond. We also hope that the declaration of this NNR will encourage both residents and visitors to engage with some of the diverse and wonderful biodiversity that London has to offer."*

5.9. It is evident from this that increased public engagement with and use of the National Nature Reserve and associated greenspace is sought by the bodies responsible for its management, and as such the minor increase associated with the site cannot be viewed as likely to compromise the objectives of the site.

5.10. Regarding the question of assessing impacts on these sites, unlike a nationally designated site such as a Site of Special Scientific interest, or an internationally designated site (SAC, SPA, Ramsar), the National Nature

[1] https://naturalengland.blog.gov.uk/2019/07/30/london-has-a-new-national-nature-reserve-the-south-london-downs-nnr/

Reserve lacks formal qualifying features or conservation objectives. A Natural England Corporate Report[2] lists the main habitats as chalk grassland, neutral grassland and ancient woodland, and the features of interest as calcareous grassland, scrub mosaic, broadleaved woodland, mixed woodland, yew woodland and neutral grassland. As such, unlike specific species for which impact pathways can be identified (for example a single dog being walked across an SPA could cause a Woodlark to abandon its nest constituting an impact on the species, the population and therefore the site) an assessment of recreational impacts on this instance must be undertaken on the basis of threats to the integrity of these habitat. Given the extensive baseline level of usage (recreation is not currently prohibited within any of these habitats) the minor increase in residents contextualised above cannot be considered likely to lead to a significant adverse impact.

6. Classification of Woodland and enhancement measures

6.1. The assertion is made that the woodland may qualify as Lowland Mixed Deciduous Woodland. The definition of this type of woodland describes it as occurring across a range of geographical locations, altitudes and soil types. A key defining characteristics is "great variety in the species composition of the canopy layer and the ground flora", although this is not quantified as part of the definition.

6.2. The parcels of this habitat within the site comprise a number of tree species, however in many areas the character is more akin to scattered trees growing above grassland rather than a dense and continuous woodland. These trees lack structural diversity, many are of the same age class, and a large number grow in monospecific groups (e.g. a large collection of London Plan in the southwest of the site (G110 on arboriculture plan). Furthermore in many of these areas the ground flora is dominated by grasses rather than exhibiting woodland-associated NVC communities and an understorey is entirely absent.

6.3. A condition assessment of the parcels of woodland was undertaken, with these revealing that all woodland within the site is in poor condition, lacking structural diversity, signs of regeneration, or features of value such as veteran trees or deadwood.

6.4. Irrespective of the classification of the woodland as priority habitat or not, it is agreed that the relevant test is the application of the mitigation hierarchy to ensure impacts on this habitat are avoided where possible, minimised, and finally any residual impacts offset.

6.5. Whilst a small area of the existing woodland will be lost to facilitate the Appeal Proposals, the majority of the woodland will be retained and enhanced. Through measures such as selective felling to increase

[2] https://www.gov.uk/government/publications/greater-londons-national-nature-reserves/londons-national-nature-reserves

structural diversity, bolster planting to introduce new native species of local provenance, and supplementary planting to promote an improved ground flora and understorey, the overall condition of this woodland can be greatly improved, increasing both its intrinsic value as a habitat and also the opportunities provided for faunal groups. As with the other vegetation within the site, the detailed management and monitoring measures to be implemented can be secured through a habitat management plan in response to a planning condition if considered necessary – and in this way the Appeal Proposals will deliver an overall improvement in the quality and condition of woodland within the site.

6.6. Suggested condition: e.g. to ensure an overall betterment for woodland within the site the LEMP will include measures to protect retained trees, enhance the condition of retained woodland parcels, and manage this enhanced woodland to maximise its value to biodiversity over the lifespan of the development.

7. Classification of Grassland and enhancement measures

7.1. It should be noted that whilst a number of species were recorded being present across the area which is covered by this classification, species diversity within individual areas is low, with Cock's-foot and Perennial Rye dominating much of the sward. Whilst the Phase 1 habitat survey methodology employed for these surveys does not quantify species-richness, the UKHab guidance which is now increasingly used does, stating that Modified Grassland (the updated equivalent to species-poor semi-improved grassland) is characterised by the presence of <9 species per m^2. The species diversity of these areas falls short of this threshold, and as such the description of 'species-poor' is considered correct.

7.2. Furthermore, whilst pyramidal orchids have been recorded, as illustrated in Plan ECO2 of the Ecological Assessment there are only a small number of locations throughout the site (6 in total) where this species have been identified and therefore far from being representative of the overall grassland coverage these are rare occurrences within the wider sward.

7.3. Irrespective of the categorisation of the grassland, it should be noted that the area is currently subject to only sporadic management. When unmanaged, areas of grassland typically decrease in species diversity over time, with gradual nutrient enrichment and lack of suppression encouraging the development of a sward which dominated by a small number of coarse, fast-growing species. This will in turn reduce the resources (e.g. water, light etc.) available to those species of greater ecological interest such as the orchids and compromise their growth and lead to a continual reduction in the ecological value of the grassland over time.

7.4. The exact categorisation of the grassland notwithstanding, the Appeal Proposals include the creation of approximately 0.6ha of species-rich grassland which can be created and managed primarily for biodiversity benefits. As part of this habitat creation, an appropriate species mix can be chosen to increase the floristic diversity of the site, and can include a variety of exemplar species such as pyramidal orchids such that the presence of these on site is maintained. Supplementary to this, green hay from one or more of the local designated sites could be used to encourage the grassland species present in these areas to establish within the site, maximising the grassland's contribution within the wider landscape. Furthermore, these areas of grassland will be subject to a management regime which will ensure that rather than the current gradual decrease in quality the condition of the grassland – including aspects such as structural diversity and absence of suboptimal species – is maintained and improved over time.

7.5. Suggested condition: e.g. to ensure an ecological value grassland resource is delivered by the proposals the LEMP will include measures to create high-quality grassland and manage these parcels in such a way as to maximise floristic diversity and value to biodiversity over the lifespan of the development.

8. Delivering an overall betterment for biodiversity

8.1. Informed by detailed habitat survey work which allowed for the identification of areas of increased floristic diversity and ecological importance, the proposals have sought to retain areas of high value habitat where possible, and offset losses through the delivery of new areas of ecologically valuable vegetation.

8.2. As with many discussions regarding BNG at present, the position at the time of the applications' submission must be considered. The submission for this scheme was made prior to the Environment Act's requirement for a 10% net gain to be demonstrated, and therefore the contemporaneous policy position regarding Biodiversity Net Gain was dictated by the NPPF and local policy such as CSP17 of the Tandridge District Core Strategy which seeks the "maintenance, enhancement, restoration and, if possible, expansion of biodiversity". As such the proposals are required only to avoid a net loss and seek opportunities for betterment where possible.

8.3. The habitat of greatest ecological value in the context of the Appeal Site is the woodland. As discussed above this is currently in highly suboptimal condition and therefore whilst a small area (around 25% of the total area) will need to be lost to facilitate the Appeal Proposals, the remaining areas will be retained and subject to significant enhancement. Measures to deliver meaningful improvement to the ecological value of this habitat will include:

- Supplementary planting will native species of local provenance;
- Selective thinning to increase structural diversity, encourage glade creation and facilitate an increase in species-richness of canopy layer;
- Planting of understorey to deliver a hitherto absent component across the woodland parcels;
- Supplementary planting of ground flora to increase species diversity and encourage development of an NVC woodland community across all areas;
- Removal of non-native/undesirable species;
- Protection of mature trees to ensure continued health and encourage the development of age-related features

8.4. Similarly, whilst areas of grassland are to be lost by the proposals, the creation of areas of meadow grassland can deliver a habitat of far greater species-richness than that currently present within the site. These areas can be seeded to include an appropriate species mix to complement grassland parcels across the wider landscape, and can be managed to ensure their ecological value is optimised.

8.5. In addition, a range of species-specific enhancement measures can be implemented to ensure that opportunities are maintained and increased for key faunal groups known to make use of the site. These will include

- The provision of bird boxes on retained trees and new buildings
- The provision of bat boxes in mature retained trees in darker areas of the site
- Log piles in areas of enhanced woodland

8.6. Through these measures it is considered that a range of ecological valuable habitats and features can be delivered by the Appeal Proposals.

9. Measures to be implemented prior to and during construction

9.1. **Badgers**. Whilst Badgers are not considered to be present (Sett buildings) within the site, these may be present in the wider area and a Badger observed crossing the site during a bat survey. In order to ensure that harm to this species is avoided it is suggested that a pre-commencement survey is undertaken to ensure no individuals have colonised the site, and that measures are implemented during construction (including sensitive storage of hazardous materials and checks of any trenches left open overnight). Through these measures it is considered that potential harm to Badgers can be avoided.

9.2. **Breeding Birds**. Ideally clearance of any vegetation with the suitability to support breeding birds will be undertaken outside of the nesting season, however if this cannot be accommodated due to conflicting constraints then a pre-clearance survey should be undertaken by a suitably qualified ecologist and work should be halted if any signs of nesting are observed,

In this way it is considered that adverse impacts on nesting birds can be avoided.

10. Conditions/Recommendations

10.1. The written response from SWT requested a number of reports included a Sensitive Lighting Management Plan, Invasive Species Management Plan, Landscape and Ecological Management Plan and Construction Environmental Management Plan. These can be secured by a suitably worded planning condition.

10.2. In addition, biodiversity enhancements are suggested, and these can be set out in a Biodiversity Enhancement Plan or similar, which once again can be secured through a planning condition.