

LAND AT SCOTLAND PARK, HASLEMERE – PHASE 2

Ecology Proof of Evidence for APP/R3650/W/23/3327643

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1. INTRODUCTION

Purpose of this Document

- 1.1. This Proof of Evidence provides ecological information in relation to an appeal against refusal of planning application WA/2022/01887 by Waverley Borough Council.
- 1.2. The application was a hybrid application for the delivery of up to 130 residential dwellings (“the Application Proposal”), associated infrastructure, a country park, car parking, permissive pathways, landscaping and the erection of a scout facility and an education facility on Land at Scotland Park, Haslemere (“the Site”).
- 1.3. The purpose of this document is to assist the decision maker (the Inquiry Inspector) in respect of ecological matters.

Reasons for Refusal

- 1.4. Reason for Refusal 2 of the decision notice dated 2nd May 2023 (CD4.1) states:

“The ecological information submitted with the application fails to demonstrate that the proposed development would not negatively affect and/or fragment the wildlife corridors adjacent to Midhurst Road and within the northern central area of the application site. Additionally, the ecological information fails to demonstrate that there would not be a detrimental impact on protected species being great crested newts, hazel dormice and bat species, and Habitats of Principal Importance. The proposal is contrary to Policy NE1 of the Local Plan Part 1 (2018), Policy DM1 of the Local Plan Part 2 (2023), Policy H12 of the Haslemere Neighbourhood Plan and paragraphs 174 and 179 of the NPPF”

- 1.5. The Reasons for Refusal are based on the advice of Surrey Wildlife Trust provided to Waverley Borough Council in their consultation response dated 24th April 2023 (CD3.6). Subsequent to that advice, Surrey Wildlife Trust have provided further advice to Waverley Borough Council, which was informed by dialogue with Engain, which is presented in a consultation response dated 22nd November 2023 (CD3.25). Table 1, on Page 2 of CD3.25, summarises the remaining ecological matters, and this is reproduced in the table below.

Table
"Summary of Recommendations Table from Surrey Wildlife Trust Consultation Response 22/11/23" ^{1,}

Planning Stage	Surrey Wildlife Trust's Recommendation
Prior to determination	Assessment of impact to Wildlife Corridors in line with Haslemere Neighbourhood Plan Policy H12 Updated Environmental Statement and revised impact assessment to reflect completed species surveys. Bat presence/likely absence surveys of impacted trees with high and moderate bat roosting potential Outline hazel dormouse mitigation strategy Outline reptile mitigation strategy
Prior to commencement	Sensitive Lighting Management Plan (pending prior to determination factors raised in this consultation) Invasive species management Secure identified Biodiversity Net Gain Provision of LEMPs (including for Forest School and Scout Hut areas) Provision of a CEMP
Prior to occupation	Biodiversity enhancements

- 1.6. The 'prior to commencement' and 'prior to occupation' matters can by definition be dealt with via suitably worded planning conditions. This Proof of Evidence therefore deals only with the matters in the first row of the table, which is to say matters which Surrey Wildlife Trust consider must be resolved "*Prior to determination*".

Personal References and Declaration

- 1.7. This Proof of Evidence has been prepared by Matt Davies of Engain. I have a BSc in Environmental Science and an MSc in Vegetation Survey and Assessment and I am a Full member of the Chartered Institute of Ecology and Environmental Management. I have over 18 years of experience as an ecological consultant for projects in the UK and overseas – assessing ecological impacts and providing advice on policy and legislation in accordance with the professional standards of the Chartered Institute of Ecology and Environmental Management.
- 1.8. I have been working on the project at Scotland Park since 2017 and since that time I have conducted numerous surveys and site visits whilst preparing evidence for the planning application.
- 1.9. The evidence which I have prepared and provide for this appeal is true and is given in accordance with the guidance of the Chartered Institute of Ecology and Environmental Management and I confirm that the opinions expressed are my true and professional opinions.

2. SUMMARY OF ECOLOGICAL BASELINE

Evidence Base

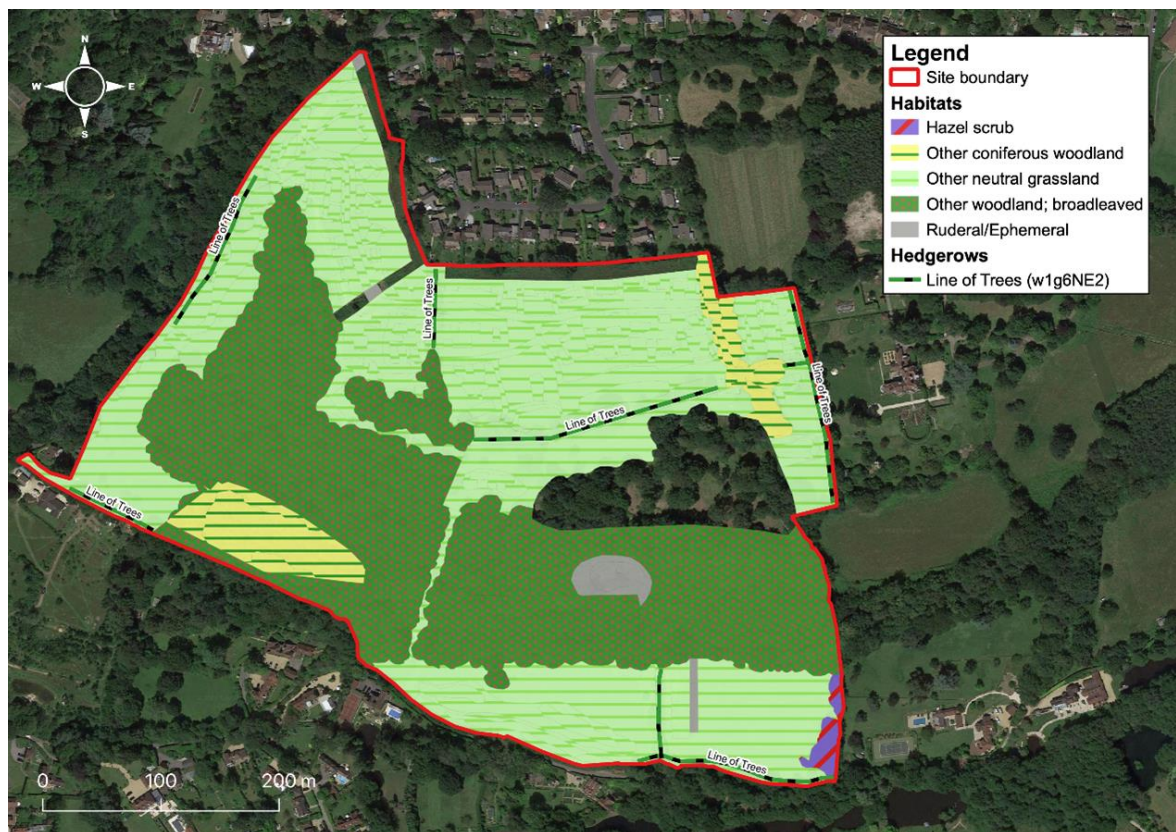
- 2.1. The ecological baseline conditions of the site are set out in Chapter 9 of the Environmental Statement submitted with the planning application (CD2.28). The Environmental Statement was informed by surveys undertaken between 2018 and June 2022, with the survey results presented in an Appendix to the Environmental Statement (CD2.38). Surveys of the site continued after this date, and the final survey results are presented in ESA Appendix 6 (CD2.48).
- 2.2. The impacts of the Application Proposal on habitats are set out in a Biodiversity Net Gain Assessment report dated 24th February 2023 (CD2.49).
- 2.3. The combined survey evidence that underpins this Proof of Evidence comprises:
 - Data obtained from the local biological records centres in 2017 and again in April 2022;
 - Habitat surveys in May and July 2018, May 2020 and April 2022;
 - A Biodiversity Net Gain Assessment using the Defra 3.1 metric in May 2022;
 - Assessments of ponds within 500m of the site for great crested newts in 2018 and again in 2023
 - Badger surveys in 2018 (including the deployment of a camera trap between May and September) and in March 2022 (plus observations throughout the course of repeated visits to the site);
 - Bat activity surveys including walked transect surveys and the use of static bat detectors between April to October 2018 and April to October 2022;
 - Preliminary Bat Roost Inspections of trees in March and May 2018, May 2020, April 2022 and August 2023;
 - Dormouse presence / absence surveys, May to October 2018 and May-October 2022;
 - Reptile presence / absence surveys in May to October 2018 and again in April to August 2022;
 - Winter bird surveys in January and February 2018; and
 - Breeding bird surveys in April to June 2018 and April and May 2022.

- 2.4. The survey evidence supports a conclusion that great crested newts are not present within the Site and they are not discussed further in this report.

Summary of Baseline

- 2.5. The Site comprises woodland and grassland with lines of trees and native hedgerows acting as boundary features throughout. Other habitats include ruderal/ephemeral vegetation, hazel scrub, mixed scrub, bare ground and hardstanding. A map of the Site's habitats is provided in **Figure 1**.

Figure 1, "Baseline Habitat Map of the Site"



- 2.6. The ecological features of the Site are summarised in Table 2. Each feature is assigned a level of ecological importance within the geographical scale set out below:
- National (England)
 - Regional (south-east England)
 - County (Surrey)

- Borough (Waverley)
- Parish (Haslemere)
- Site

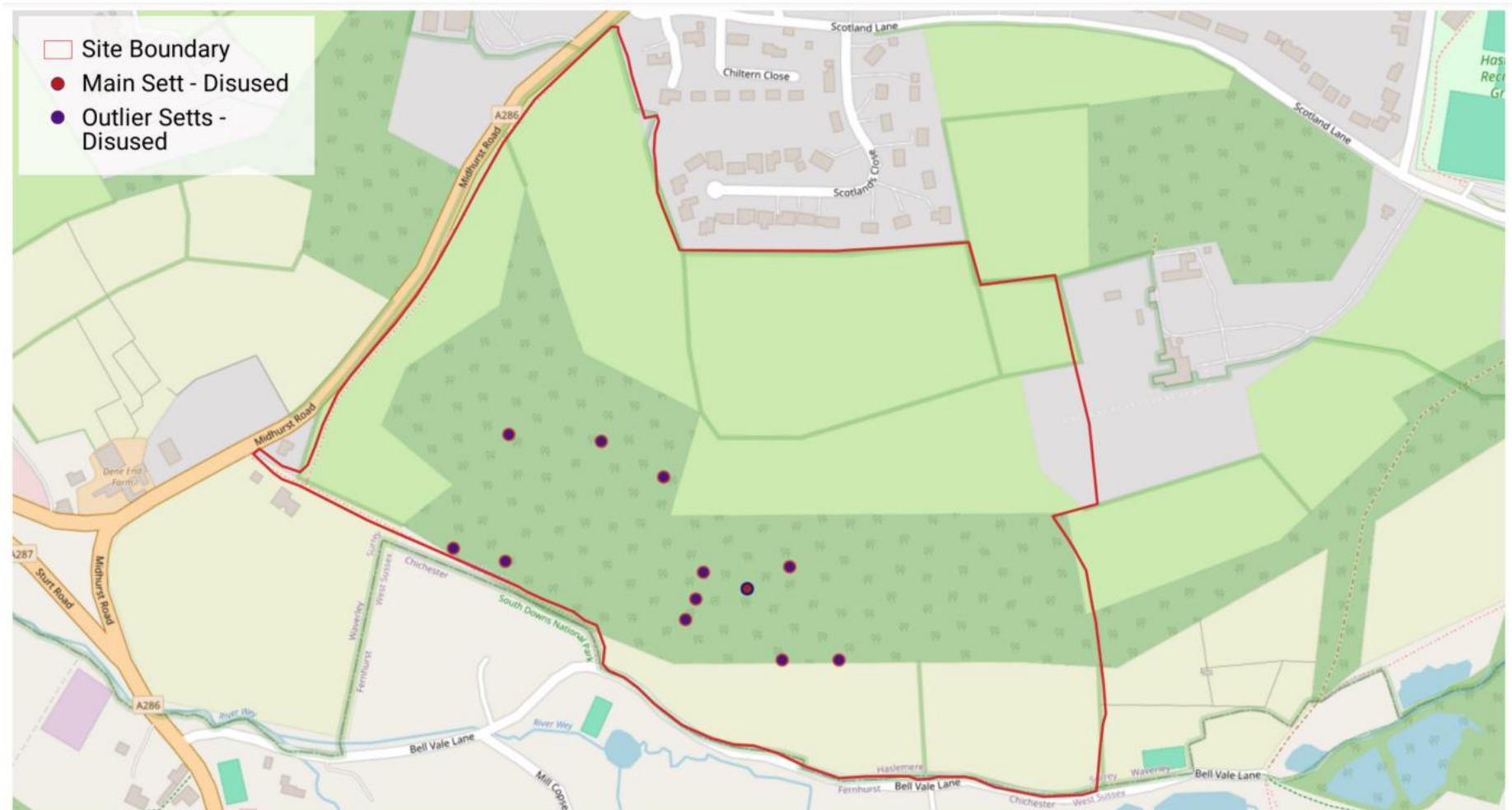
2.7. Figures 2-4 illustrate the location of records of badgers, reptiles and dormice within the Site.

Table 2, "The Site's Ecological Features and their Relative Importance"

Ecological Feature	Summary Description	Level of Ecological Importance
Woodland	Dominated by a mixture of downy and silver birch with standards of oak and beech, and large areas of sweet chestnut coppice. The woodland as a whole falls broadly though not precisely within the definition of the 'Lowland Mixed Deciduous Woodland' Priority Habitat definition.	Parish
Hedgerows and Lines of Trees	The field boundaries largely comprise tall, outgrown hedges, characterised by mature trees with a limited amount of understory vegetation.	Parish
Grassland	The open fields have been managed as sheep grazing pasture with a moderate intensity of agricultural input. The sward is largely even-structured, although the field to the west of the Site has a more tussocky sward. The grassland types are similar in all five fields, although there are localised areas of variation. The majority of the grassland is classified as 'other neutral grassland' in poor condition (with reference to the Defra condition assessment criteria) and some areas constitute 'modified grassland'.	Site
Badgers	A main sett was previously found in woodland to the south of the proposed development area, but by 2022 this had fallen out of use.	Site
Commuting and foraging habitat for bats	Nine species of bat have been recorded using the Site for commuting and foraging. They primarily use the field boundaries and woodland. The species most frequently recorded at the Site is common pipistrelle (<i>Pipistrellus pipistrellus</i>), with soprano pipistrelle (<i>Pipistrellus pygmaeus</i>), Nathusius' pipistrelle (<i>Pipistrellus nathusii</i>) serotine (<i>Eptesicus serotinus</i>), Leisler's bat (<i>Nyctalus leisleri</i>) barbastelle (<i>Barbastella barbastellus</i>), brown long-eared (<i>Plecotus auratus</i>), noctule (<i>Nyctalus noctula</i>) and Myotis species recorded in smaller numbers.	Parish
Barbastelle bats	This species was not recorded from the Site in 2018 but it was detected in 2022 when it was recorded foraging along the line of trees adjacent to Midhurst Road and the western corner of the parkland habitat.	Regional
Roosting bats	No bat roosts have been identified from the site.	Site
Birds	32 bird species have been recorded from the Site, including 11 species of note for nature conservation. Birds associated with the Wealden Heaths Phase 1 SPA i.e., nightjar,	Borough

Ecological Feature	Summary Description	Level of Ecological Importance
	woodlark and Dartford warbler have not been recorded and the Site does not have habitats suitable for them.	
Dormice	The woodland, native hedgerows and hedgerows are suitable habitat for dormice. Dormouse have been recorded from Midhurst Road, from the woodland and from the southern edge of the Site.	Borough
Reptiles	Slow-worms have been recorded from the field-margins, primarily in the north and west of the site, and a small number of grass snakes have been recorded from the woodland.	Site

Figure 2, "Map of Badger Evidence"



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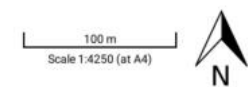


Figure 3, "Map of Dormouse Evidence"



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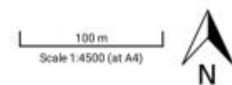
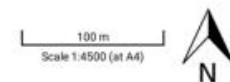


Figure 4, "Map of Reptile Evidence"



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3. RELEVANT PLANNING POLICY

3.1. The planning policies relevant to this proof of evidence are:

- The National Planning Policy Framework (NPPF), last updated 5th September 2023 including Section 15 and particularly paragraphs 174, 180, 181 and 182.
- Waverley Borough Local Plan, Part 1, Strategic Policies and Sites (adopted February 2018), policies NE1 and NE2.
- Waverley Borough Local Plan (Part 2): Site Allocations and Development Management Policies (adopted 21st March 2023) (LPP2), policies DM1, DM11
- Haslemere Neighbourhood Plan, Policy H9, H10 and H12

3.2. Appendix 3 of the Neighbourhood Plan includes a map that covers the Site, which is reproduced in **Figure 5** below, which illustrates the ‘South Haslemere Wildlife Corridors’. These Wildlife Corridors were drawn for the Neighbourhood Plan based upon a desk-based review of ecological data held by the local biological records centres. Limitations on the definition of the Wildlife Corridors are noted in the evidence base such as:

3.3. Paragraph 3.6, Page 5: “...of note was the lack of data held [by the biological records centres], particularly the lack of accurate habitat mapping data...”

3.4. Paragraph 3.7, Page 6: “Species data-sets provided by the record centres were not specifically used to guide the location of Corridors...”.

3.5. The Wildlife Corridors in the Neighbourhood Plan were drawn as contiguous hatched areas of a consistent width. However, the actual vegetation within the site does not comprise continuous linear features, as it contains several gaps (**Figure 6**).

Figure 5, "Wildlife Corridors from Policy H12 Superimposed on Satellite Imagery"



Figure 6, "Gaps in Existing Vegetation"



4. EVIDENCE REGARDING THE REASONS FOR REFUSAL

Assessment of impact to Wildlife Corridors in line with Haslemere Neighbourhood Plan Policy H12

4.1. The Reason for Refusal states, in relation to Wildlife Corridors:

“The ecological information submitted with the application fails to demonstrate that the proposed development would not negatively affect and/or fragment the wildlife corridors adjacent to Midhurst Road and within the northern central area of the application site”

4.2. The consultation response by Surrey Wildlife Trust dated 24th April 2023 (SWT Reference 897418/NW/001 – CD3.6), upon which this part of the Reason for Refusal was based, states:

“...the proposed enhanced wildlife corridors within the residential area [would be] partially fragmented by residential roads (in particular the most easterly of the three); if tree canopy cover can be maintained across these roads this may provide connectivity for arboreal species but would not be suitable for species such as badger or European hedgehog. Lighting associated with the residential dwellings and roads may also mean these corridors are not suitable for nocturnal species such as bats and hazel dormouse”.

4.3. The Surrey Wildlife Trust consultation response dated 22nd November 2023 (SWT Reference 897418/NW/003 – CD3.25) further elaborated on this point in a number of places. Foremost of these is the statement on Page 3:

“The Ecological Survey Report (Engain, October 2023) references Policy H12. However, Environmental Statement Chapter 9 Ecology and Ecological Survey Report (Engain, October 2023) do not provide an assessment, impact assessment and mitigation strategy for the South Haslemere wildlife corridors.”

4.4. This is further expanded upon in Page 3 and Page 4 where it is stated that the Wildlife Corridors are likely to provide an important ecological function for dormice, bats and reptiles, and that they may also support common toad, hedgehog and birds. On Page 4 it goes on to say that:

“...there appears to be impacts to all these corridors, to include severance and habitat removal, but also a likely increase in lighting and recreational pressure due to the proximity of the proposed development...”

- 4.5. The Neighbourhood Plan defines a Wildlife Corridor as an “*Area of habitat connecting wildlife populations.*” This is reinforced when mentioned under Policy H9, paragraph 3.51, which states:

“[Trees and woodlands] play a vital role as wildlife corridors and stepping stones in connecting the many designated nature conservation sites and other green spaces found across the Neighbourhood Plan area.”

- 4.6. Paragraph 3.56 of the Neighbourhood Plan also states:

“...trees, scrub and established hedges of mainly indigenous species form corridors where wildlife can shelter and disperse.”

- 4.7. Natural England (then known as English Nature) in a research report entitled ‘*Linear Features: Linear Habitats and Wildlife Corridors*’ (English Nature, 1993) drew the distinction between the linear habitats and the wildlife corridor thus:

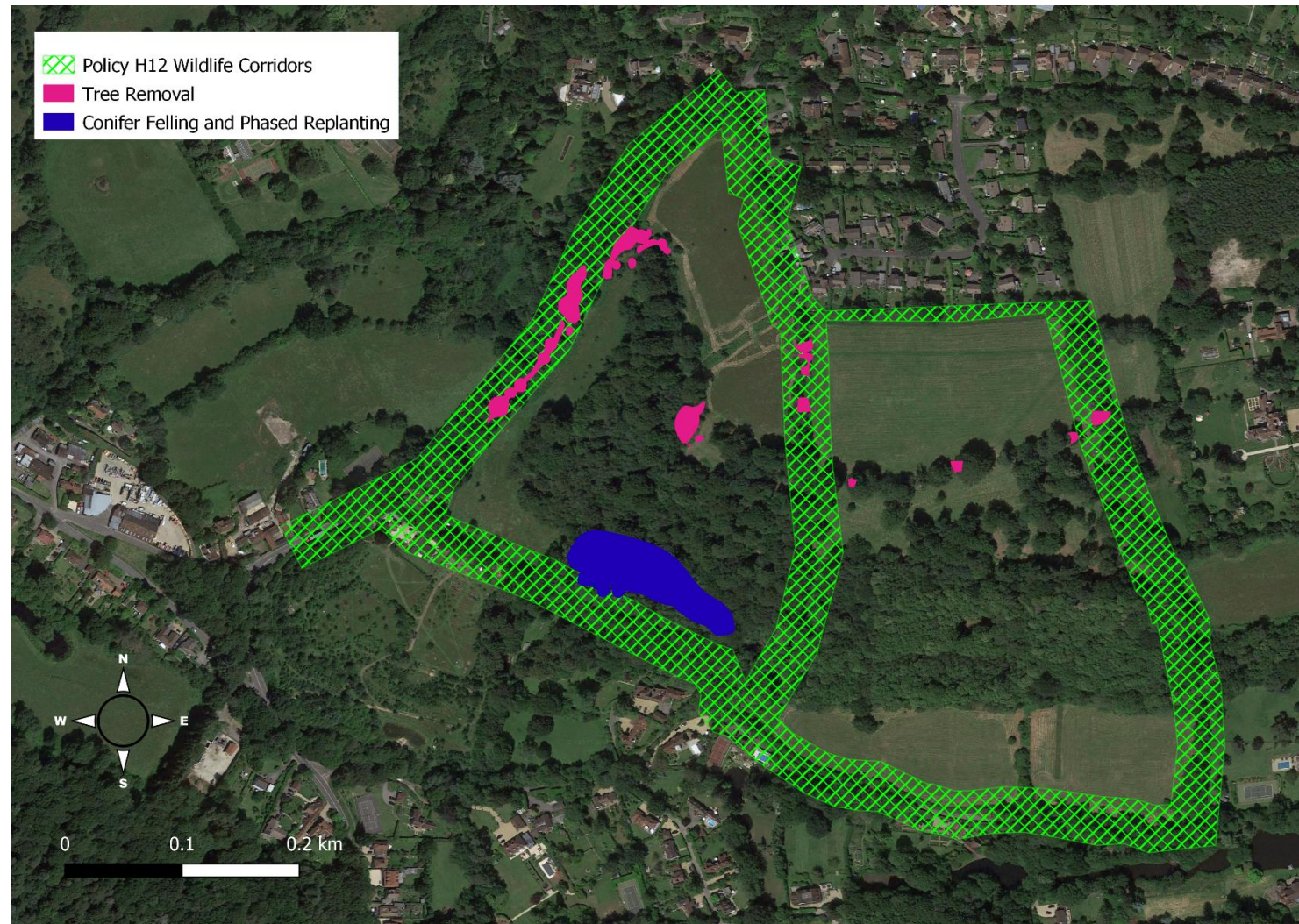
“Linear features have a value for nature conservation both as a habitat in their own right, and as wildlife corridors”.

- 4.8. Taking the above into account it is concluded that when discussing wildlife corridors in relation to the Appeal Proposals and the Neighbourhood Plan, we are considering them as conduits for the dispersal of wildlife and places where wildlife can shelter, and not simply as habitats in their own right.

- 4.9. The ecological impact assessment provided in the Ecology Chapter of the Environmental Statement (CD2.28) is structured according to the guidance for ecological impact assessment provided by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018), in that it assesses the potential impacts upon each individual ecological receptor in turn.

- 4.10. It takes each of the component parts of the Wildlife Corridors (the hedgerows and tree lines, the woodland, the species that use the site) and sets out the magnitude of each potential impact, the type and level of potential effect that it would have, and any avoidance, mitigation or compensation that will be provided in order to conclude whether the effect would be ecologically significant. In each case this included a consideration of the extent to which the proposals might affect the movement of each of the relevant species through the landscape.
- 4.11. This was based upon the following sources of information from the planning application:
- CD1.3 Green and Blue Infrastructure Parameter Plan
 - CD1.4 Land Use Parameter Plan
 - CD1.25 Detailed Application Area Landscape General Arrangement Plan
 - CD1.33 Tree Retention and Removal Plan
 - CD2.29 ES Chapter 10 Landscape and Visual Impact (Landscape and Visual Impact Assessment), including Lighting Assessment
- 4.12. For the Appeal Proposals to sever any of the Wildlife Corridors, the construction and occupation of the development would have to prevent them from acting as conduits for the dispersal of wildlife (as referred to in CD3.25, this may include dormice, bats, reptiles, common toad, hedgehog and birds).
- 4.13. In broad terms it is clear from the plans below (**Figure 7** and **Figure 8**) that the proposed vegetation removal is of a small scale and in locations where there are already existing gaps and would not therefore completely sever any of the Wildlife Corridors. At a landscape scale, viewing the site in relation to its surroundings, it is also clear that the north-south corridors offer connections that lead into the town of Haslemere, whereas the east-west corridors link the habitats of the Appeal site with the surrounding countryside.
- 4.14. Connections to the north are therefore of lesser value than the east-west connections for many species that prefer open countryside (e.g. dormice, grass-snakes and many species of birds) albeit some birds, slow-worms, toads and some light-opportunistic species of bats will also use suburban and urban areas. The Appeal Proposals provide many benefits that would enhance connectivity through the site on an east-west axis, including the creation of new grassland SUDS areas, shrub planting and linear habitats in the southern portion of the site and the enhanced management of the woodland.

Figure 7, "Vegetation Removal Overlaid onto the Wildlife Corridors"



All areas shown are approximate and should be verified before finalizing the plan of a decision.

Do not use either form for **Planning Application** purposes.

All dimensions must be checked by the contractor before commencing work on site.

No deviation from this drawing will be permitted without the prior written consent of the Architect.

The copyright of this drawing remains with the Architect and may not be placed in any form without prior written consent.

Ground Plane Slabs, Foundations, Sub-Structures, etc. All work below ground level is shown provisionally. Inspection of ground condition is essential prior to work commencing.

Reinforcement is essential where the ground conditions are apparent, and refudings may be necessary in the light of soil conditions shown. The responsibility for establishing the soil and sub-soil conditions rests with the contractor.



- 4.15. The Midhurst Road corridor at present comprises a tree-lined road (**Figure 9**) with high earth banks supporting mature trees and shrubs. There are no street lights on this section of the road and the baseline light levels are near natural, with the exception of ambient light pollution from nearby urban areas.

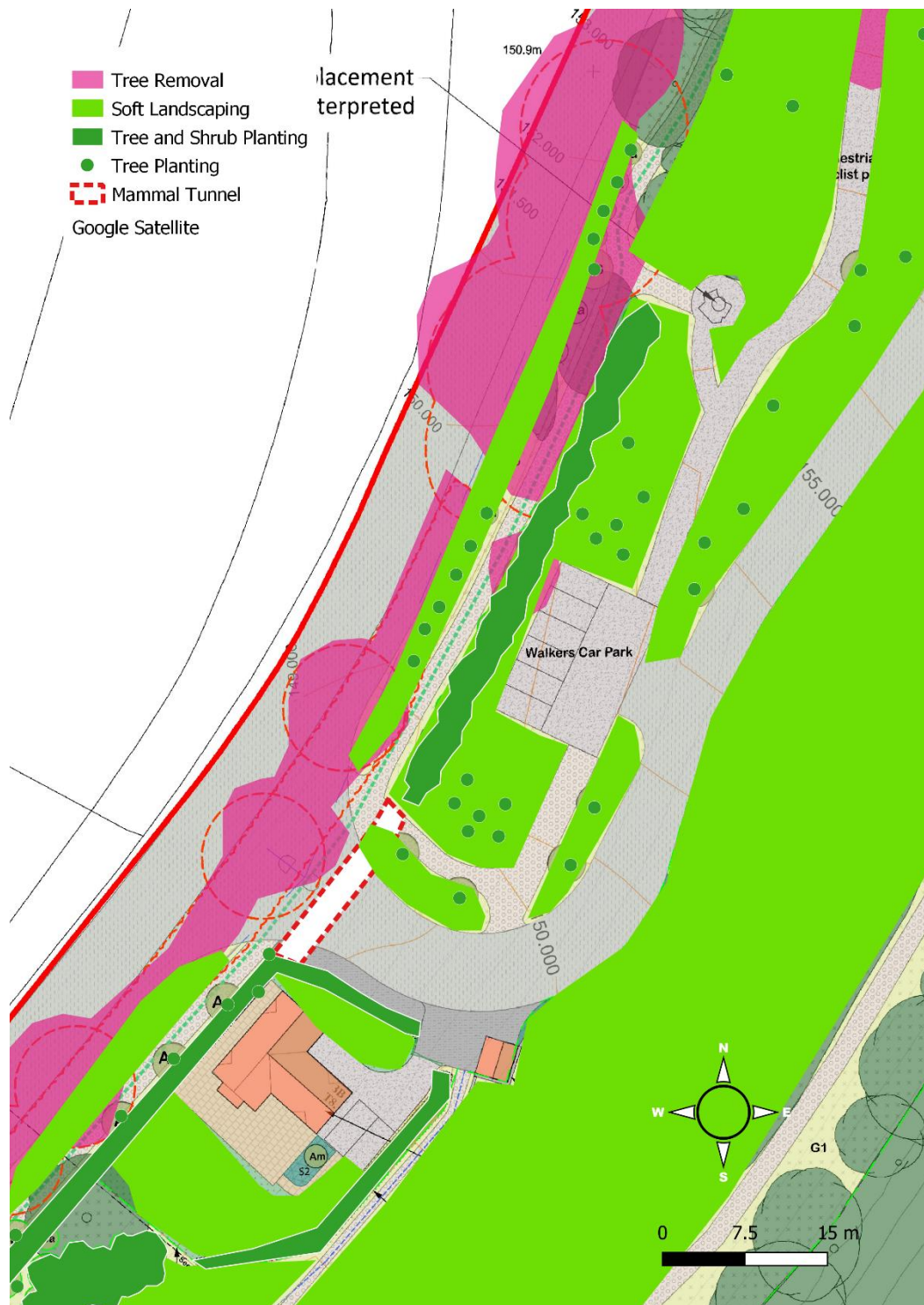
Figure 9, "View along the Midhurst Road Wildlife Corridor"



- 4.16. The majority of the vegetation forming this Wildlife Corridor, including all of the vegetation on the westernmost bank, is outside of the boundary of the Appeal Proposals and would not be physically affected by the development.
- 4.17. The proposed entrance into the site off Midhurst Road will require the removal of trees and shrubs. The proposals seek to mitigate this by advanced-planting of trees and shrubs prior to the commencement of construction, and the planting of further trees and shrubs once construction is complete. The net effect of this is illustrated in **Figure 10**.

- 4.18. It is proposed to further mitigate the impact of the road access by incorporating a wildlife tunnel under the new road to facilitate the movement of wildlife. Wildlife tunnels under roads can provide an effective means of reducing wildlife mortality, particularly when combined with landscaping or fencing to direct wildlife to the tunnel and away from the road (e.g. Taylor and Goldingay, 2010; van der Ree, 2007). Such tunnels are most effective for terrestrial species, which includes slow-worms, toads and hedgehogs. To encourage use by dormice, they can also be fitted with bundled ropes suspended from the upper surface inside the culvert, which are connected to woody vegetation at either end. This allows dormice to move off the ground and through the tunnel. The tunnel can be formed from an oversized concrete culvert.
- 4.19. The proposed road entrance would not, either through the removal of vegetation or the introduction of artificial lighting, prevent bats from using the Midhurst Road Wildlife Corridor as a means of dispersal. The Appellant proposes to provide the minimum safe level of lighting at the proposed road entrance so that, in common with the Phase 1 development (which is currently under construction), it will comply with dark skies policies and the guidance set out in Guidance Note 8 – Bats and Artificial Lighting (GN08/2023). Indeed, the present design approach is based on no street lighting at the junction and instead relies upon reflective road signage. Light-averse bats such as the two horseshoe species are not necessarily deterred from crossing even brightly lit roads. Radio tracking studies conducted in Wiltshire confirmed that bats were crossing A-roads with bright street lighting (Aspect Ecology, 2017) and this has also been shown in studies from elsewhere (Palmer et al., 2013). A study of greater horseshoe bats in France found that they fly across gaps of up to 38m wide, and that above 50m a gap was likely to prevent the bats from crossing (Pinaud et al., 2018).
- 4.20. The impacts on the ability of dormice to disperse along the Midhurst Road corridor are also mitigated by the proposed planting – the narrow gap on one side of the road is not likely to prevent dormice from moving along this Wildlife Corridor – and by virtue of the situation acknowledged above that it is not likely to be important for dormice to be able to disperse north into and through Haslemere. The mammal tunnel will offer an alternative route.
- 4.21. The Appeal Proposals include the enhancement of planting along the site's northern edge (adjacent to Scotlands Close) and the enhanced management of habitats retained and created for wildlife. These are described in the Outline Landscape and Ecological Management Plan submitted with the planning application (illustrated in Map 3 of CD1.42).

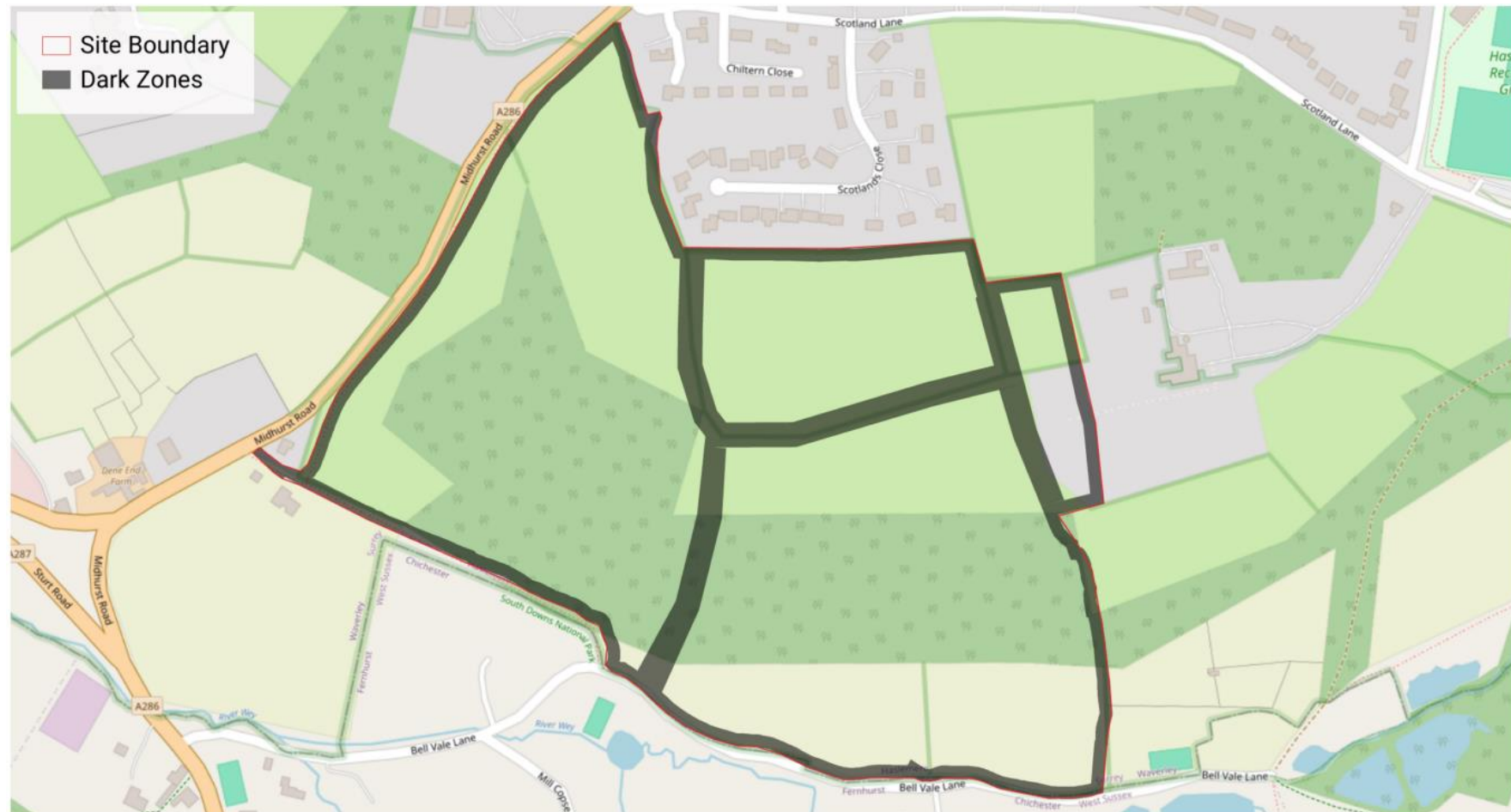
Figure 10, "Vegetation Removal and Replacement at the Proposed Entrance to the Site"



- 4.22. The **Central and Eastern Wildlife Corridors** consist of hedgerows and lines of trees in which there are existing gaps for field entrances (**Figure 6**). The illustrative layout of the Application Proposals (**Figure 8**) seeks to make use of these existing gaps for access roads to avoid or minimise fragmentation of the wildlife corridors.
- 4.23. The external lighting at Scotland Park Phase 1 has been designed to minimise adverse light effects to comply with dark skies policies and effects on wildlife. Elivia Homes, the house builder currently constructing Phase 1, has confirmed that most of the site will not have independent street lighting, instead all plots will have their own wall mounted entrance lights. Solar bollards will provide low level illumination to the apartment parking areas. The highways consultant for the Appeal Proposal has confirmed that there is no requirement for street lighting following the Road Safety Audit and so the aim is to replicate within the Appeal Proposal the same lighting strategy employed by Elivia in Phase 1. Suitable planning conditions can protect this position.
- 4.24. The dwellings within the appeal proposal are typically set considerable distances from the boundary corridors. To the north there is an offset to provide the visual amenity separation to residents of Scotlands Close. To the south the houses are set back from the edge of the parkland area, behind the proposed swales. The distances are sufficient that the boundary corridors will be unaffected by light spill from windows. Covenants associated with the sale of properties can prevent homeowner's retro fitting excessively bright lights such as security floodlights.
- 4.25. A plan of proposed dark corridors following the linear features within and around the site is provided in **Figure 11**. This shows dark zones extending in from the edges of the site at least 10m, and 10m either side of corridors that run through the site. The details of dark corridors can be secured by a suitably worded planning condition. In my experience and professional judgement it is possible for the development proposals to secure dark corridors that would facilitate the continued movement of light-averse species through and around the site.
- 4.26. Having regard to these principles, it is reasonable to conclude that a suitable lighting strategy can be designed that will avoid the illumination of the Wildlife Corridors and that they may still function as a flight corridor for light-averse species of bats.

- 4.27. The construction of the proposed development would therefore involve the removal of some of the vegetation that constitutes one side of the Wildlife Corridor along Midhurst Road, but there are proposed measures sufficient to be confident that this would not prevent it from acting as a conduit for the dispersal of wildlife.
- 4.28. The Appeal Proposals would enhance landscape connectivity, particularly on a broad axis east-west through the site, linking the sites enhanced habitats with open countryside in the surrounding area. Overall then the Appeal Proposals would provide a net benefit for the Wildlife Corridors identified in the Haslemere Neighbourhood Plan.

Figure 11, "Dark Zones"



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100 m
Scale 1:4250 (at A4)

N

Updated Environmental Statement and revised impact assessment to reflect completed species surveys

- 4.29. CD2.48 provides all of the updated survey information from 2022, whilst CD12.1 and CD12.3 provide further updates to Surrey Wildlife Trust on the outcomes of the surveys and the fact that the surveys confirm previous findings and do not alter the conclusions from the Environmental Statement. It is not a requirement to update the Environmental Statement in the course of a planning appeal, as a result of evidence being provided in that inquiry process. This is a matter dealt with in the Appellant's Position Statement for the CMC. Para. 25 of that document says, "*in R (Linda Davies) v SSCLG [2008] EWHC 2223 (Admin) (attached) the Court held that it was wrong to argue that additional environmental information required separate consultation or processing when produced as part of the inquiry process ...*". That is a legal matter and is not for me. But in any event the outcomes would not vary from those in the Environmental Statement submitted with the planning application. In other words this point raised by Surrey Wildlife Trusts is a non-point.

Bat presence/likely absence surveys of impacted trees with high and moderate bat roosting potential

- 4.30. The purpose of the extensive ecological surveys undertaken at Scotland Park have been to establish an ecological baseline sufficient to judge whether any **significant** ecological effects would arise from the development proposals and to provide confidence that sufficient measures can be implemented to avoid, mitigate or compensate for any such effects. The extent of information required to establish the baseline and define such measures is an informed judgement based upon industry guidelines (in this case the good practice principles for bat surveys – Collins, 2016) the relative importance of the ecological feature(s) in question, and the stage of planning and level of detailed design required at that stage.
- 4.31. On this latter point, the proposals are for the most part in relation to an outline planning application except for the detailed application around the area of the proposed road access. The greatest level of survey effort for bats was therefore applied to the area of the new road access – where the surveys included the walked transect surveys with 'listening stops' where the surveyor pauses to record activity in more detail, the placement of static detectors over a number of months and inspections of trees from ground level. This notwithstanding, transect surveys and ground level surveys of trees for roosts have also covered the areas of the site subject to the outline application.

- 4.32. Having completed the ground level tree surveys on more than one occasion it was clear that there was little potential for bat roosts of high conservation significance within the areas directly affected by the development proposals. Trees along the proposed Midhurst Road entrance generally had some limited potential for bats to roost under ivy covering the trunks, and trees elsewhere within the site also had ivy cover, lifted bark or occluded branches offering roosting potential between 'low' and moderate' within the terms set out in the bat survey guidelines. According to these guidelines, trees with low roosting potential do not require further survey before felling, whereas trees with moderate potential for roosting bats require night-time 'presence / absence' surveys carried out between May and September. It is however noted in the guidance that such surveys, when carried out on trees, are unlikely to give confidence that bats do not roost there. Bats use trees, particularly trees with small features unlikely to support roosts of high conservation significance, opportunistically and often for very short periods of time – the chance of a survey coinciding with the time that a feature is occupied by a bat is therefore small. Furthermore, surveys of trees are hampered by the nature of the potential roosting feature – often the feature cannot be clearly seen from the ground, may be obstructed by vegetation, has several points from which bats could emerge, and becomes increasingly difficult to observe as darkness falls.
- 4.33. On the basis that night-time surveys of the trees with moderate roosting potential would offer little return in confidence of the presence or absence of bat roosts, Engain considered whether there was sufficient confidence, in the absence of such survey information, whether any effects would arise and whether they could be adequately addressed by the proposals.
- 4.34. **Figure 12** illustrates the trees with bat roosting potential that would need to be removed to facilitate the development (this excludes trees that are in poor Arboricultural condition but which can be retained subject to suitable management and any trees within the outline development area that could easily be retained subject to tweaks to the illustrative layout plans – please see Chris McDermott PoE)). Photographs of these trees and tree groups and details of their bat roosting potential are provided in **Appendix 1**. Given that these trees do not contain features such as large cavities, woodpecker holes etc likely to support roosts of high conservation significance (such as maternity roosts), the proposals are unlikely to give rise to a significant ecological effect as a result of the removal of potential bat roosting habitat.

- 4.35. The features in the trees that would be removed can be replicated through the provision of bat roosting boxes installed within retained areas of vegetation. Whilst bats will not occupy every box provided, this limitation can easily be overcome by installing two or more times the number of boxes as the number of trees removed. Fortunately, as the development proposals include large areas of woodland that is good bat habitat, boxes can be placed in excellent positions where they are most likely to be used – adjacent to good quality and unlit foraging areas with linear features providing good access and egress routes. Bat boxes that provide a range of conditions for the species known to occur at the site and in the wider area are readily available, and these can provide suitable spaces for hibernation, maternity colonies as well as the type of occasional use likely to occur in the trees to be lost. Such boxes can be installed prior to any construction activity taking place.
- 4.36. On balance then I consider that there is sufficient confidence that significant effects would not occur even in the absence of avoidance, mitigation or compensation measures, and that once these are applied the proposals are capable of securing an increase in the amount and type of roosting habitat for bats that would be secured and managed in the long term. This is in contrast to the no-development scenario, in which the amount of bat roosting habitat is subject to natural occurrence as trees are damaged, and loss once they fall and decay.
- 4.37. The above points notwithstanding, it is acknowledged that the presence or absence of bat roosts is an ever-changing baseline, and that the commencement of development (if allowed) is likely to occur sometime after this proof has been written and the appeals and planning processes have been followed. It is therefore prudent to assume that the presence or absence of bat roosts in trees should be re-assessed at an appropriate point in the future. This would be undertaken with the following in mind:
- Trees with low roosting potential would be re-inspected from the ground prior to the commencement of works and if their potential to hold bat roosts remains low they would only, as far as is reasonably practicable and safe, be 'soft-felled' under the guidance of an Ecological Clerk of works. This would involve carefully cutting and lowering to the ground any parts of the tree that contain roosting features, which would then be inspected by the Ecological Clerk of Works.

- All other trees that need to be felled would be re-inspected from the ground prior to the commencement of works and if their potential remains moderate, they would not be felled until an Ecologist has been able to inspect the potential roosting features from ropes, a ladder or by other means, and / or a night time survey has been conducted. In the event that a roost is identified the tree would be left in situ until the appropriate licence has been obtained, but if no bats are present the tree would be soft-felled as above.

4.38. This approach, along with the means to provide bat roosting enhancements, is standard practice and can be secured through a suitably worded planning condition.

Figure 12, "Trees with Bat Roosting Potential"



Outline Hazel Dormouse Mitigation Strategy

4.39. The consultation response from Surrey Wildlife Trust dated 22nd November 2023 states:

“It is feasible that [the] wildlife corridors [act] as a baseline habitat provide important linkage across and around the application site for hazel dormouse, a species which is vulnerable to habitat fragmentation...[and]... there is an insufficient level of analysis, evaluation and detail that supports the conclusion that the removal of foraging, hibernating, breeding, and nesting habitat for dormice within the habitats will not be ecologically significant. This links with the consultation opinion that insufficient assessment and mitigation has been carried out and detailed for South Haslemere Wildlife Corridors.”

4.40. As per **Figure 3** of this Proof of Evidence, dormice have not been found, in either 2018 or 2022, to be using the Central and Eastern Wildlife Corridors. Impacts on dormice from development in proximity to these corridors can therefore largely be ruled out (mindful however that dormouse surveys are not exhaustive proof that a given area of habitat is not used and that a small but acceptable level of risk of presence remains).

4.41. Whilst the new road access would come in through an area in which dormice have been found, the effects of this would be mitigated (as set out above) and would only occur on one side of the lane – the effect would therefore not be sufficient to sever this as a conduit for the movement of dormice. Furthermore, this road leads north into Haslemere where it is crossed on both sides by numerous road entrances to residential areas where there is no specific provision for the movement of dormice across the roads – it is therefore highly unlikely that dormice use this as a corridor to disperse from Scotland Park into habitats to the north.

4.42. **Appendix 2** of this Proof sets out an outline of the measures that would be employed to ensure there would be no harm to dormice during construction. The details of this can be secured through an appropriately worded planning condition.

- 4.43. The Appeal Proposals offer the substantial benefit of taking Red Court woodland and the existing connective habitats into active management, which will be tailored to the needs of dormice. Good quality habitat for dormice needs to be well connected, with a high diversity of plant species and structural features. In common with many woods in England where traditional management (such as coppicing) has declined or ceased altogether, Red Court Woods is under-managed with a high canopy of sweet chestnut, dense shading and deer browsing limiting ground flora and the establishment of a good shrub-layer. The long-term active management that would be secured by the proposals would bring this woodland into good condition to support the dormice that are already present and expand its capacity to support more individuals as part of the connected areas of woodland in the wider landscape. The proposals to remove dense conifers and create high-quality edge habitats would also expand the total area of habitat available for dormice within the site.
- 4.44. As the Appeal Proposals will not sever any Wildlife Corridors that may be used by dormice, and that there would be a net positive effect through the management of retained and newly created habitats, in my professional opinion there is no reason to expect that Natural England would be unlikely to grant a European Protected Species licence for the temporary impact of the removal of small sections of suitable habitat to create the new road access. Such a licence has already been obtained for the Scotland Park Phase 1 project, and the licence application for the Scotland Park Phase 2 proposals would in due course be supported by fresh survey evidence.

Outline Reptile Mitigation Strategy

- 4.45. The work required to construct the proposed development would be located almost exclusively in areas where reptiles have not been found. The slow-worms and grass snakes identified from both the 2018 and 2022 surveys were using edge habitats, which would be within the dark buffer zones and retained vegetation around the edges of the site with a few small exceptions.
- 4.46. The proposals include a large amount of habitat creation and management that will benefit slow-worms and grass snakes, including in particular the SUDS, wetlands and grasslands that will be created in the southern part of the site.

- 4.47. The avoidance of harm to reptiles during construction can be achieved by the employment of commonly used methods, either through the fencing off and translocation of areas, or through habitat manipulation to persuade reptiles to move away from the construction areas. The latter approach is the one favoured in good-practice guidance, but the former approach may be employed for certain areas of the site where it is most appropriate.
- 4.48. **Appendix 3** of this Proof sets out an outline of the measures that would be employed to ensure there would be no harm to reptiles during construction. In my professional opinion the measures proposed are standard practice and the details of this can be secured through a suitably worded planning condition.

5. CONCLUSIONS

- 5.1. The information submitted with the planning application contained an assessment of the impacts of the Appeal Proposals on the ecological features that make up the Wildlife Corridors identified in the Haslemere Neighbourhood Plan. Based upon that assessment, and as verified by the elaboration contained in this Proof, I conclude that the proposals would not sever any of the Wildlife Corridors identified in the Neighbourhood Plan, and there would in fact be a net enhancement of ecological connectivity between the site and the surrounding countryside. A copy of the response to Surrey Wildlife Trust following their consultation advice to Waverley Borough Council is included in this Proof as **Appendix 4**.
- 5.2. The need or otherwise for an updated Environmental Statement chapter is a legal matter dealt with elsewhere and not for this Proof, but nevertheless the most recent ecological survey data serve only to verify that the previous findings of ecological assessments remained valid and true.
- 5.3. Sufficient survey data is available to conclude that the Appeal Proposals would not be likely to have a significant effect on bat roosting habitat as the extent of tree removal is small and does not require the removal of trees with high bat roosting potential or any trees likely to support bat roosts of high conservation significance. It is also clear that the proposals can secure, in advance of any vegetation removal or construction taking place, a substantial net increase in the amount and range of bat roosting potential through the provision of bat roosting boxes. The proposals would, in addition, secure the creation and management of foraging and commuting habitat for bats in the long term. This is in contrast to a do-nothing scenario in which habitats would not be managed for bats and the amount of potential roosting habitat would be subject to natural variation and uncertainty.
- 5.4. The Appeal Proposals would entail the removal of small amounts of habitat suitable for dormice, even less of which has actually been found to be used by them. The proposals would not sever any connective habitat for dormice and would in contrast enhance connectivity between the dormice at Scotland Park and the populations of which they are a part in the surrounding countryside.
- 5.5. The Appeal Proposals affect very little habitat that is used by reptiles, and measures to avoid impacts on them during construction (outlined in this Proof) can be secured by a suitably worded planning condition.

- 5.6. The Appeal Proposals have been shown, using the Defra metric and associated good practice guidance, to offer a net gain in habitats well in excess of the 10% required by *The Environment Act 2021*. Overall it is therefore clear to me, based upon the available evidence and after the application of a suitable degree of precaution, that the Appeal Proposals would not give rise to any significant effects on Wildlife Corridors identified in the Neighbourhood Plan, bat roosts, dormice or reptiles and that contrary to this they would secure favourable conditions for wildlife in the long term. This is in contrast to the do-nothing scenario, in which the declines in habitats observed to have occurred prior to the purchase of the land by the Appellant would continue, reducing the site's suitability for species such as dormice and allowing the spread of invasive species such as Indian balsam (*Impatiens glandulifera*) and rhododendron (*Rhododendron ponticum*).
- 5.7. The Appeal Proposals would therefore comply with Section 15 of the National Planning Policy Framework, with the relevant policies of the Development Plan, and with Policy H12 of the Haslemere Neighbourhood Plan. The construction and occupation of the Appeal Proposals can be achieved in compliance with the legislation protecting wildlife, including *The Wildlife and Countryside Act 1981* (as amended) and the *Conservation of Habitats and Species Regulations 2017*, and Natural England are not likely to refuse an application for a licence under this legislation.

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APPENDIX 1 – TREES WITH BAT ROOSTING POTENTIAL THAT WILL BE REMOVED

Tree to be lost	Species		Potential Bat Rosting
103	Beech		Low (ivy)
104	Norway maple		Low (ivy)
105	Norway maple		Low (ivy)
106	Norway maple		Low (ivy, some occluded branches)
176	Silver birch		Moderate

Tree to be lost	Species		Potential Bat Rosting
177	Silver birch		Moderate (gnarled, lifted bark)
G101.1 – G101.8	Beech Pedunculate oak	n/a	Low
G103	Beech Pedunculate oak Hazel	n/a	Low
G111.1 – G111.2	Holly		Moderate

Tree to be lost	Species		Potential Bat Rosting
G122.1	Holly		Low

APPENDIX 2 – OUTLINE DORMOUSE MITIGATION STRATEGY

Toolbox Talk

A toolbox talk will be provided by an appropriately licensed Ecological Clerk of Works (ECoW) to relevant contractors prior to any work that could harm dormice, taking place to:

- Provide information on the protection afforded to dormice;
- Describe the areas in which they may be found; and
- Explain what to do should any of these animals be encountered when an ECoW is not present.

Pre-Commencement Site Check

Prior to the commencement of any pre-construction works onsite, including vegetation clearance, a site walkover will be conducted by a suitably qualified ECoW to determine any significant changes to habitats supported by the site with the respect to dormice.

Protective Fencing

Protective fencing accommodating root protection areas will be installed around all trees, shrubs and hedgerows to be retained. The fencing will be maintained during the construction period.

Sensitive Lighting

Construction stage lighting is unlikely to be required. Should any temporary lighting be required it will not be directed at retained dormouse habitat.

Sensitive Vegetation Clearance

Vegetation clearance will be undertaken in a sensitive manner to mitigate the potential impact on dormice.

Vegetation clearance will take place following either a two-stage winter clearance or, for small areas, a single stage summer clearance methodology (Bright et al., 2006), determined case-by-case for each area of vegetation on site using information from previous survey results.

Two Stage Clearance

All areas of dormouse habitat not being retained will be removed via two stage clearance.

The first stage will take place in winter, between November and March, and will involve the clearance of above-ground vegetation. The second stage will begin no earlier than May and will involve below-ground clearance.

A suitably qualified ECoW will carry out a pre-commencement check for dormice or their nests immediately prior to the clearance of suitable vegetation.

Trees and shrubs considered suitable for future translocation will be identified and marked up prior to commencement of clearance works.

Clearance works will be overseen by a suitably qualified ECoW, named on the Development License.

In the very unlikely event that a torpid dormouse without dependant young is found during clearance works it would be relocated to a suitable protected area of retained habitat.

Should an active dormouse winter nest be encountered, clearance works will cease within a suitable buffer from the nest and will recommence no earlier than May. Habitat connectivity will be maintained between the hibernation site and an adjacent area of suitable retained habitat throughout this period. Where necessary, brash piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal.

Should an active (non-torpid) dormouse be encountered, clearance works will temporarily cease. The dormouse will be given adequate time to disperse away from the area and towards retained habitat before the clearance works re-commence.

Above-ground vegetation will be removed as follows:

1. Vegetation will be removed using hand-held tools/machinery slowly and carefully, and in a direction towards retained habitat to aid dispersal of wildlife potentially remaining; and
2. All woody vegetation including trees, shrubs, and scrub to be removed will be cut down to heights of between 30cm and 50cm above ground level and in a direction towards retained vegetation.
3. Brash will remain in situ for 24 hours following clearance, to allow for dispersal of wildlife. Brash will then be re-used to maintain habitat connectivity, taken off site or waste chipped and stored away from vegetated areas.

Vehicles will avoid tracking across areas subject to clearance and will instead be confined to the hedgerow edges and field interiors utilising long-reach machinery where required.

Second stage, below ground clearance, can commence from April. All below-ground material including tree stumps, root balls, buried rubble etc. will be lifted out using a tracked excavator in a sensitive manner to ensure no significant disturbance to soil and adjacent retained habitat.

Second stage clearance works will follow the methodologies listed for single stage summer clearances.

If any specimens are translocated, such material will be excavated to a depth appropriate to root depth. Specimens will be gently lifted to ensure the root ball is fully intact and transferred to the receptor trench for replanting at similar heights to its initial state. Specimens will be backfilled with topsoil to ensure no roots are left exposed, with soil firmed and sufficiently watered.

Following completion of the above and below ground clearance works the site area will be released to allow the commencement of the construction works.

Single Stage Clearance

If any areas of habitat suitable for dormice need to be cleared in summer this will be done a single-stage clearance between September and October, and in areas of sub-optimal dormouse habitat only.

Single stage clearances involve the completion of both above-ground and below-ground vegetation clearance during the dormouse active season, whilst avoiding the breeding season and hibernation season. This will encourage active dormice to move away from the habitat being cleared and towards retained vegetation.

A suitably qualified ECoW will carry out a pre-commencement check for dormice or their nests immediately prior to the clearance of suitable vegetation.

Clearance works will be overseen by a suitably qualified ECoW, named on the Development License.

Should an active (non-torpid) dormouse be encountered, clearance works will temporarily cease. The dormouse will be given adequate time to disperse away from the area and towards retained habitat before the clearance works re-commence.

In the unlikely event that a dormouse breeding nest containing young is encountered, clearance works will cease within a 10m radius of the nest until all young have independently dispersed. Habitat connectivity will be maintained between the breeding site and an adjacent area of suitable retained habitat throughout this period with no clearance works continuing here. Where necessary, brash

piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal.

Above-ground vegetation will be removed as follows:

- Vegetation will be removed using hand-held tools/machinery only and in a direction towards retained habitat to aid dispersal of wildlife potentially remaining. An ECoW will work with the contractor to declare habitat sections as being clear following completion of a thorough check prior to clearance; and
- All woody vegetation including trees, shrubs, and scrub to be removed will be cut down to heights of between 30cm and 50cm above ground level and in a direction towards retained vegetation.
- Brash will remain in situ for 24 hours following clearance, to allow for dispersal of wildlife. Brash will then be taken off site or waste chipped and stored away from vegetated areas.
- Vehicles will avoid tracking across areas subject to clearance and will instead be confined to the hedgerow edges and field interiors utilising long-reach machinery where required.
- Below-ground vegetation will commence immediately after above-ground clearance and will be removed as follows:
 - A pre-commencement check by a qualified ECoW of all remaining above-ground vegetation for dormice or their nests will be carried out;
 - Should a dormouse be found during the works it will be persuaded to be move away from the working area and towards suitable retained vegetation;
 - In the unlikely event that a dormouse breeding nest with dependent young is encountered, clearance works will cease within a 10m radius of the nest until all young have independently dispersed. Habitat connectivity will be maintained between the breeding site and an adjacent area of suitable retained habitat throughout this period. Where necessary, brash piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal;
- Thereafter, all below-ground material including tree stumps, root balls, buried rubble etc. will be lifted out using a tracked excavator in a sensitive manner to ensure no significant disturbance to soil and adjacent retained habitat; and
- Any such excavations that occur within the root protection zone of retained vegetation will be undertaken by hand and backfilled as soon as possible.

Following completion of the above and below ground clearance works the site area will be released to the Developer to allow the commencement of the construction works.

Habitat Retention, Enhancement and Creation

The proposed new landscape planting includes a variety of native species considered to be favourable to dormice, carefully chosen to maximise structure and species diversity whilst considering fruiting/flowering potential and seasonal availability.

All retained, enhanced, and newly created habitat for dormice will be subject to a sensitive management and maintenance regime.

APPENDIX 3 – OUTLINE REPTILE MITIGATION STRATEGY

Toolbox Talk

A toolbox talk will be provided by the Ecological Clerk of Works (ECoW) to relevant contractors prior to any work that could harm reptiles taking place to:

1. provide information on the protection afforded to reptiles;
2. describe the areas in which they may be found; and
3. explain what to do should any of these animals be encountered when an ECoW is not present.

Habitat Manipulation / Vegetation Clearance

The primary means of avoiding harm to reptiles during construction (specifically during the vegetation clearance and topsoil strip) will be to translocate reptiles out of the construction area and into a receptor area.

Dismantling of suitable refugia within or adjacent to the translocation area (such as rubble or debris piles) will avoid the gravid period (May to July) and will be supervised by an ECoW. Any individuals found during this exercise will be translocated to the receptor site.

Vegetation clearance and topsoil scraping at the translocation area will be undertaken in a phased approach in winter, under the supervision of an ECoW:

- Phase 1 – Cutting vegetation to 150-200 mm, removing the arisings and leaving the area for a minimum of 2 hours to allow any reptiles to relocate;
- Phase 2 – Hand-searching the cut areas (conducted by an ECoW) and removing any sheltering habitat (e.g. logs or debris) then cutting vegetation to ground level and removing the arisings; and
- Phase 3 – Soil scrape.

After soil scraping, the area will be maintained as bare earth until construction begins, to minimise the likelihood of vegetation recolonising the area and providing new habitat for reptiles.

APPENDIX 4 – INFORMATION PROVIDED TO SURREY WILDLIFE TRUST



LAND AT SCOTLAND PARK, HASLEMERE – PHASE 2

Further Ecological Information for Surrey Wildlife Trust

Planning Reference: WA/2022/01887

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1. INTRODUCTION

- 1.1. This document provides further information following consultation and engagement with Surrey Wildlife Trust in relation to the planning application for residential development at Scotland Park, south of Haslemere (application reference WA/2022/01887). The latest written consultation provided by Surrey Wildlife Trust (SWT) referred to in this document is that dated 22nd November 2023 (reference 897418/NW/003). The content of this document is also informed by an online meeting with Rob Hutchinson of SWT on 29th November in which the matters raised in the written consultation response were discussed.
- 1.2. This document addresses the ‘prior to determination’ matters of the written consultation, which are:
- Assessment of impact to Wildlife Corridors in line with Haslemere Neighbourhood Plan Policy H12
 - Updated Environmental Statement and revised impact assessment to reflect completed species surveys.
 - Bat presence/likely absence surveys of impacted trees with high and moderate bat roosting potential
 - Outline hazel dormouse mitigation strategy
 - Outline reptile mitigation strategy

2. ASSESSMENT OF IMPACTS TO WILDLIFE CORRIDORS

- 2.1. This assessment concerns the Wildlife Corridors identified in policy H12 of the Haslemere Neighbourhood Plan, which are illustrated on the plan below overlaid onto satellite imagery (**Figure 1**).
- 2.2. The consultation response raises concerns that the impacts of the scheme were not assessed in the ecological information submitted with the application, and also whether after such an assessment, significant ecological effects would be identified that have not been properly addressed. On the first point, we believe that the application documents, comprising the Environmental Statement Chapter 9 and associated appendices and reports, assessed the potential ecological impacts of the proposals on each of the ecological features that make up the Wildlife Corridors (its habitats and species) and was conducted in full accordance with the guidelines for ecological impact assessment provided by CIEEM. That point notwithstanding, we are pleased to provide below further elaboration of the potential impacts and the reasons why we consider that they would not have adverse effects on the Wildlife Corridors.
- 2.3. In broad terms it is clear that the proposed vegetation removal (illustrated in **Figure 2**) is of a small scale and in locations where there are already existing gaps and would not therefore sever any of the Wildlife Corridors. At a landscape scale, viewing the site in relation to its surroundings, it is also clear that the north-south corridors offer connections that lead into the town of Haslemere, whereas the east-west corridors link the habitats of the site with the surrounding countryside.
- 2.4. Connections to the north are therefore of lesser value than the east-west connections for many species that prefer open countryside (e.g. dormice, grass-snakes and many species of birds) albeit some birds, slow-worms, toads and some light-opportunistic species of bats will also use suburban and urban areas. The development proposals provide many benefits that would enhance connectivity through the site on an east-west axis, including the creation of new grassland SUDS areas, shrub planting and linear habitats in the southern portion of the site and the enhanced management of the retained woodland.
- 2.5. The Midhurst Road corridor at present comprises a tree-lined road (**Figure 3**) with high earth banks supporting mature trees and shrubs. There are no street lights on this section of the road and the baseline light levels are near natural, with the exception of ambient light pollution from nearby urban areas

- 2.6. The majority of the vegetation forming this Wildlife Corridor, including all of the vegetation on the westernmost bank, is outside of the boundary of the development proposals and would not be physically affected by the development.
- 2.7. The proposed entrance into the site off Midhurst Road will require the removal of trees and shrubs. The proposals seek to mitigate this by advanced-planting of trees and shrubs prior to the commencement of construction, and the planting of further trees and shrubs once construction is complete. The net effect of this is illustrated in **Figure 4**.
- 2.8. It is proposed to further mitigate the impact of the road access by incorporating a wildlife tunnel under the new road to facilitate the movement of wildlife. Wildlife tunnels under roads can provide an effective means of reducing wildlife mortality, particularly when combined with landscaping or fencing to direct wildlife to the tunnel and away from the road (e.g. Taylor and Goldingay, 2010; van der Ree, 2007). Such tunnels are most effective for terrestrial species, which includes slow-worms, toads and hedgehogs. To encourage use by dormice, they can also be fitted with bundled ropes suspended from the upper surface inside the culvert, which are connected to woody vegetation at either end. This allows dormice to move off the ground and through the tunnel. The tunnel can be formed from an oversized concrete culvert.
- 2.9. The proposed road entrance would not, either through the removal of vegetation or the introduction of artificial lighting, prevent bats from using the Midhurst Road Wildlife Corridor as a means of dispersal. The Appellant proposes to provide the minimum safe level of lighting at the proposed road entrance so that, in common with the Phase 1 development (which is currently under construction), it will comply with dark skies policies and the guidance set out in Guidance Note 8 – Bats and Artificial Lighting (GN08/2023). Light-averse bats such as the two horseshoe species are not necessarily deterred from crossing even brightly lit roads. Radio tracking studies conducted in Wiltshire confirmed that bats were crossing A-roads with bright street lighting (Aspect Ecology, 2017) and this has also been shown in studies from elsewhere (Palmer et al., 2013). A study of greater horseshoe bats in France found that they fly across gaps of up to 38m wide, and that above 50m a gap was likely to prevent the bats from crossing (Pinaud et al., 2018).

- 2.10. The impacts on the ability of dormice to disperse along the Midhurst Road corridor are also mitigated by the proposed planting - the narrow gap on one side of the road is not likely to prevent dormice from moving along this Wildlife Corridor - and by virtue of the situation acknowledged above that it is not likely to be important for dormice to be able to disperse north into and through Haslemere.
- 2.11. The development proposals include the enhancement of planting along the site's northern edge (adjacent to Scotlands Close) and the enhanced management of habitats retained and created for wildlife. These are described in the Outline Landscape and Ecological Management Plan submitted with the planning application.
- 2.12. The Central and Eastern Wildlife Corridors consist of hedgerows and lines of trees in which there are existing gaps for field entrances (**Figure 5**). The illustrative layout of the Application Proposals (**Figure 6**) seeks to make use of these existing gaps for access roads to avoid or minimise fragmentation of the wildlife corridors.
- 2.13. The external lighting at Scotland Park Phase 1 has been designed to minimise adverse light effects to comply with dark skies policies and effects on wildlife. Elivia Homes, the house builder currently constructing Phase 1, has confirmed that most of the site will not have independent street lighting, instead all plots will have their own wall mounted entrance lights. Solar bollards will provide low level illumination to the apartment parking areas. The highways consultant for the development proposal has confirmed that there is no requirement for street lighting following the Road Safety Audit and so the aim is to replicate within the development proposal the same lighting strategy employed by Elivia in Phase 1.
- 2.14. The dwellings within the development proposal are typically set considerable distances from the boundary corridors. To the north there is an offset to provide the visual amenity separation to residents of Scotlands Close. To the south the houses are set back from the edge of the parkland area, behind the proposed swales. The distances are sufficient that the boundary corridors will be unaffected by light spill from windows. Covenants associated with the sale of properties can prevent homeowner's retro fitting excessively bright lights such as security floodlights.
- 2.15. A plan of proposed dark corridors following the linear features within and around the site is provided in Figure 7. This shows dark zones extending in from the edges of the site at least 10m, and 10m either side of corridors that run through the site. The details of dark corridors can be secured by a suitably worded planning condition..

- 2.16. Having regard to these principles, a suitable lighting strategy can be designed that will avoid the illumination of the Wildlife Corridors and that they may still function as a flight corridor for light-averse species of bats.
- 2.17. The construction of the proposed development would therefore involve the removal of some of the vegetation that constitutes one side of the Wildlife Corridor along Midhurst Road, but there are proposed measures sufficient to be confident that this would not prevent it from acting as a conduit for the dispersal of wildlife.
- 2.18. The proposals would enhance landscape connectivity, particularly on a broad axis east-west through the site, linking the sites enhanced habitats with open countryside in the surrounding area. Overall then the development proposals would provide a net benefit for the Wildlife Corridors identified in the Haslemere Neighbourhood Plan.

Figure 1, "Wildlife Corridors of Neighbourhood Plan Policy H12"



Figure 2, "Vegetation Removal"



Figure 3, "Midhurst Road"



Planning Reference: WA/2022/01887

Figure 4, "Vegetation Removal and Replacement at Midhurst Road"



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Figure 6, "Illustrative Layout"

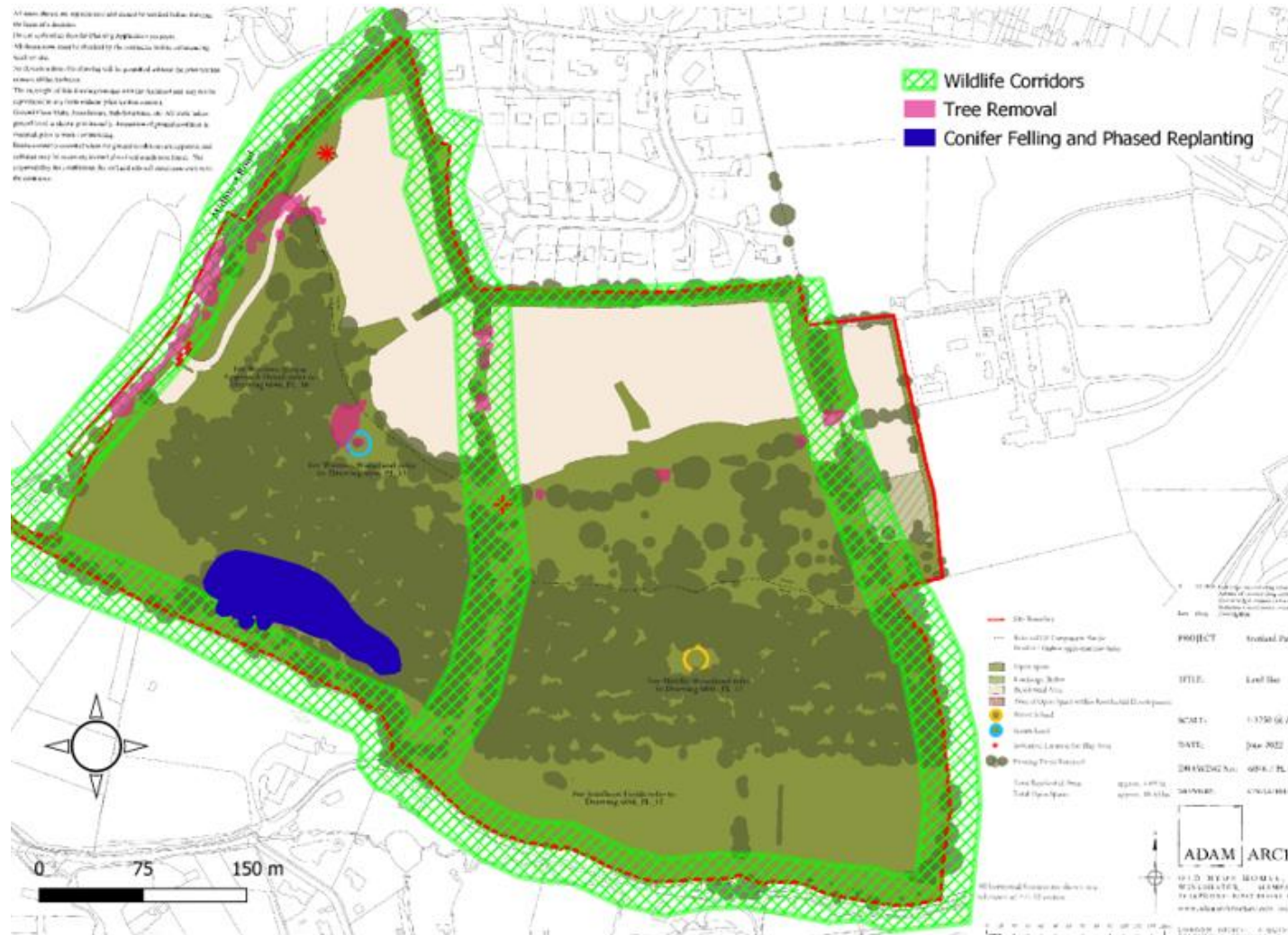
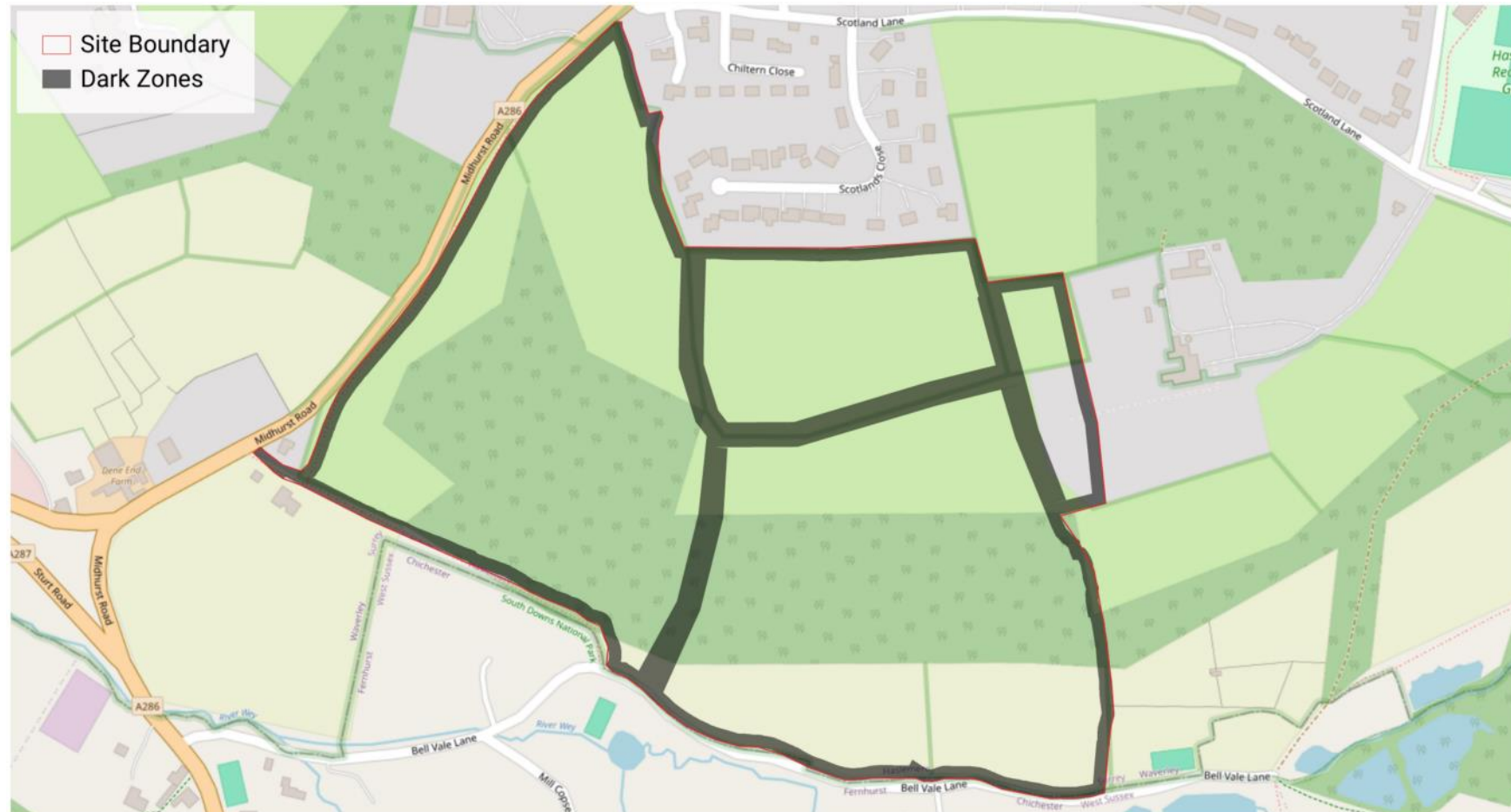
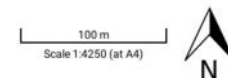


Figure 7, "Dark Corridors"



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3. UPDATED ENVIRONMENTAL STATEMENT AND REVISED IMPACT ASSESSMENT TO REFLECT COMPLETED SPECIES SURVEYS

- 3.1. It is not a requirement to update the Environmental Statement in the course of a planning appeal, as a result of evidence being provided in that inquiry process. This is a matter dealt with in the Appellant's Position Statement for the CMC. Para. 25 of that document says, "*in R (Linda Davies) v SSCLG [2008] EWHC 2223 (Admin) (attached) the Court held that it was wrong to argue that additional environmental information required separate consultation or processing when produced as part of the inquiry process ...*". That is a legal matter and is not for me. But in any event the outcomes would not vary from those in the Environmental Statement submitted with the planning application.

4. BAT PRESENCE/LIKELY ABSENCE SURVEYS OF IMPACTED TREES WITH HIGH AND MODERATE BAT ROOSTING POTENTIAL

- 4.1. The purpose of the ecological surveys undertaken at Scotland Park have been to establish an ecological baseline sufficient to judge whether any significant ecological effects would arise from the development proposals and to provide confidence that sufficient measures can be implemented to avoid, mitigate or compensate for any such effects. The extent of information required to establish the baseline and define such measures is an informed judgement based upon industry guidelines (in this case the good practice principles for bat surveys, Collins, 2016) the relative importance of the ecological feature(s) in question, and the stage of planning and level of detailed design required at that stage.
- 4.2. The proposals are for the most part in relation to an outline planning application except for the detailed application around the area of the proposed road access. The greatest level of survey effort for bats was therefore applied to the area of the new road access - where the surveys included the walked transect surveys with 'listening stops' where the surveyor pauses to record activity in more detail, the placement of static detectors over a number of months and inspections of trees from ground level. This notwithstanding, transect surveys and ground level surveys of trees for roosts have also covered the areas of the site subject to the outline application.
- 4.3. Having completed the ground level tree surveys on more than one occasion it was clear that there was little potential for bat roosts of high conservation significance within the areas directly affected by the development proposals. Trees along the proposed Midhurst Road entrance generally had some limited potential for bats to roost under ivy covering the trunks, and trees elsewhere within the site also had ivy cover, lifted bark or occluded branches offering roosting potential between 'low' and moderate' within the terms set out in the bat survey guidelines. According to these guidelines, trees with low roosting potential do not require further survey before felling, whereas trees with moderate potential for roosting bats require night-time 'presence / absence' surveys carried out between May and September.

- 4.4. It is however noted in the guidance that such surveys, when carried out on trees, are unlikely to give confidence that bats do not roost there. Bats use trees, particularly trees with small features unlikely to support roosts of high conservation significance, opportunistically and often for very short periods of time - the chance of a survey coinciding with the time that a feature is occupied by a bat is therefore small. Furthermore, surveys of trees are hampered by the nature of the potential roosting feature - often the feature cannot be clearly seen from the ground, may be obstructed by vegetation, has several points from which bats could emerge, and becomes increasingly difficult to observe as darkness falls.
- 4.5. On the basis that night-time surveys of the trees with moderate roosting potential would offer little return in confidence of the presence or absence of bat roosts, Engain considered whether there was sufficient confidence, in the absence of such survey information, whether any effects would arise and whether they could be adequately addressed by the proposals.
- 4.6. **Figure 8** illustrates the trees with bat roosting potential that would need to be removed to facilitate the development (this excludes trees that are in poor Arboricultural condition but which can be retained subject to suitable management and any trees within the outline development area that could easily be retained subject to tweaks to the illustrative layout plans). Photographs of these trees and tree groups and details of their bat roosting potential are provided in Table 1. Given that these trees do not contain features such as large cavities, woodpecker holes etc likely to support roosts of high conservation significance (such as maternity roosts), the proposals are unlikely to give rise to a significant ecological effect as a result of the removal of potential bat roosting habitat.
- 4.7. The features in the trees that would be removed can be replicated through the provision of bat roosting boxes installed within retained areas of vegetation. Whilst bats will not occupy every box provided, this limitation can easily be overcome by installing two or more times the number of boxes as the number of trees removed. Fortunately, as the development proposals include large areas of woodland that is good bat habitat, boxes can be placed in excellent positions where they are most likely to be used - adjacent to good quality and unlit foraging areas with linear features providing good access and egress routes. Bat boxes that provide a range of conditions for the species known to occur at the site and in the wider area are readily available, and these can provide suitable spaces for hibernation, maternity colonies as well as the type of occasional use likely to occur in the trees to be lost. Such boxes can be installed prior to any construction activity taking place.

- 4.8. There is therefore sufficient evidence that significant effects would not occur even in the absence of avoidance, mitigation or compensation measures, and that once these are applied the proposals are capable of securing an increase in the amount and type of roosting habitat for bats that would be secured and managed in the long term. This is in contrast to the no-development scenario, in which the amount of bat roosting habitat is subject to natural occurrence as trees are damaged, and loss once they fall and decay.
- 4.9. The above points notwithstanding, it is acknowledged that the presence or absence of bat roosts is an ever-changing baseline, and that the commencement of development (if allowed) is likely to occur sometime after this has been written and the appeals and planning processes have been followed. It is therefore prudent to assume that the presence or absence of bat roosts in trees should be re-assessed at an appropriate point in the future. This would be undertaken with the following in mind:
- Trees with low roosting potential would be re-inspected from the ground prior to the commencement of works and if their potential to hold bat roosts remains low they would only, as far as is reasonably practicable and safe, be 'soft-felled' under the guidance of an Ecological Clerk of works. This would involve carefully cutting and lowering to the ground any parts of the tree that contain roosting features, which would then be inspected by the Ecological Clerk of Works.
 - All other trees that need to be felled would be re-inspected from the ground prior to the commencement of works and if their potential remains moderate, they would not be felled until an Ecologist has been able to inspect the potential roosting features from ropes, a ladder or by other means, and / or a night time survey has been conducted. In the event that a roost is identified the tree would be left in situ until the appropriate licence has been obtained, but if no bats are present the tree would be soft-felled as above.
- 4.10. This approach, along with the means to provide bat roosting enhancements, can be secured through a suitably worded planning condition.

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Figure 8, "Trees with Bat Roosting Potential"



Table 1, "Trees with Bat Roosting Potential that would be Removed"

Tree to be lost	Species		Potential Bat Rosting
103	Beech		Low (ivy)
104	Norway maple		Low (ivy)
105	Norway maple		Low (ivy)
106	Norway maple		Low (ivy, some occluded branches)
176	Silver birch		Moderate

Tree to be lost	Species		Potential Bat Rosting
177	Silver birch		Moderate (gnarled, lifted bark)
G101.1 – G101.8	Beech Pedunculate oak	n/a	Low
G103	Beech Pedunculate oak Hazel	n/a	Low
G111.1 – G111.2	Holly		Moderate

Tree to be lost	Species		Potential Bat Rosting
G122.1	Holly		Low

5. OUTLINE HAZEL DORMOUSE MITIGATION STRATEGY

- 5.1. As per **Figure 9**, dormice have not been found, in either 2018 or 2022, to be using the Central and Eastern Wildlife Corridors. Impacts on dormice from development in proximity to these corridors can therefore largely be ruled out (mindful however that dormouse surveys are not exhaustive proof that a given area of habitat is not used and that a small but acceptable level of risk of presence remains).
- 5.2. Whilst the new road access would come in through an area in which dormice have been found, the effects of this would be mitigated (as set out above) and would only occur on one side of the lane – the effect would therefore not be sufficient to sever this as a conduit for the movement of dormice. Furthermore, this road leads north into Haslemere where it is crossed on both sides by numerous road entrances to residential areas where there is no specific provision for the movement of dormice across the roads – it is therefore highly unlikely that dormice use this as a corridor to disperse from Scotland Park into habitats to the north.
- 5.3. An outline of the measures that would be employed to ensure there would be no harm to dormice during construction is provided in **Appendix 1**. The details of this can be secured through an appropriately worded planning condition.
- 5.4. The development proposals offer the substantial benefit of taking Red Court woodland and the existing connective habitats into active management, which will be tailored to the needs of dormice. Good quality habitat for dormice needs to be well connected, with a high diversity of plant species and structural features. In common with many woods in England where traditional management (such as coppicing) has declined or ceased altogether, Red Court Woods is under-managed with a high canopy of sweet chestnut, dense shading and deer browsing limiting ground flora and the establishment of a good shrub-layer. The long-term active management that would be secured by the proposals would bring this woodland into good condition to support the dormice that are already present and expand its capacity to support more individuals as part of the connected areas of woodland in the wider landscape. The proposals to remove dense conifers and create high-quality edge habitats would also expand the total area of habitat available for dormice within the site.

- 5.5. As the development proposals would not sever any Wildlife Corridors that may be used by dormice, and that there would be a net positive effect through the management of retained and newly created habitats, there is no reason to expect that Natural England would be unlikely to grant a European Protected Species licence for the temporary impact of the removal of small sections of suitable habitat to create the new road access. Such a licence has already been obtained for the Scotland Park Phase 1 project, and the licence application for the Scotland Park Phase 2 proposals would in due course be supported by fresh survey evidence.

Figure 9, "Dormouse survey results"



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6. OUTLINE REPTILE MITIGATION STRATEGY

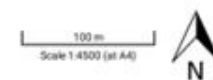
- 6.1. The work required to construct the proposed development would be located almost exclusively in areas where reptiles have not been found. The slow-worms and grass snakes identified from both the 2018 and 2022 surveys were using edge habitats (**Figure 10**), which would be within the dark buffer zones and retained vegetation around the edges of the site with a few small exceptions.
- 6.2. The proposals include a large amount of habitat creation and management that will benefit slow-worms and grass snakes, including in particular the SUDS, wetlands and grasslands that will be created in the southern part of the site.
- 6.3. The avoidance of harm to reptiles during construction can be achieved by the employment of commonly used methods, either through the fencing off and translocation of areas, or through habitat manipulation to persuade reptiles to move away from the construction areas. The latter approach is the one favoured in good-practice guidance, but the former approach may be employed for certain areas of the site where it is most appropriate.

Planning Reference: WA/2022/01887

Figure 10, "Reptile survey results"



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APPENDIX 1 – OUTLINE MITIGATION STRATEGIES

Dormice

Toolbox Talk

A toolbox talk will be provided by an appropriately licensed Ecological Clerk of Works (ECoW) to relevant contractors prior to any work that could harm dormice, taking place to:

- Provide information on the protection afforded to dormice;
- Describe the areas in which they may be found; and
- Explain what to do should any of these animals be encountered when an ECoW is not present.

Pre-Commencement Site Check

Prior to the commencement of any pre-construction works onsite, including vegetation clearance, a site walkover will be conducted by a suitably qualified ECoW to determine any significant changes to habitats supported by the site with the respect to dormice.

Protective Fencing

Protective fencing accommodating root protection areas will be installed around all trees, shrubs and hedgerows to be retained. The fencing will be maintained during the construction period.

Sensitive Lighting

Construction stage lighting is unlikely to be required. Should any temporary lighting be required it will not be directed at retained dormouse habitat.

Sensitive Vegetation Clearance

Vegetation clearance will be undertaken in a sensitive manner to mitigate the potential impact on dormice.

Vegetation clearance will take place following either a two-stage winter clearance or, for small areas, a single stage summer clearance methodology (Bright et al., 2006), determined case-by-case for each area of vegetation on site using information from previous survey results.

Two Stage Clearance

All areas of dormouse habitat not being retained will be removed via two stage clearance.

The first stage will take place in winter, between November and March, and will involve the clearance of above-ground vegetation. The second stage will begin no earlier than May and will involve below-ground clearance.

A suitably qualified ECoW will carry out a pre-commencement check for dormice or their nests immediately prior to the clearance of suitable vegetation.

Trees and shrubs considered suitable for future translocation will be identified and marked up prior to commencement of clearance works.

Clearance works will be overseen by a suitably qualified ECoW, named on the Development License.

In the very unlikely event that a torpid dormouse without dependant young is found during clearance works it would be relocated to a suitable protected area of retained habitat.

Should an active dormouse winter nest be encountered, clearance works will cease within a suitable buffer from the nest and will recommence no earlier than May. Habitat connectivity will be maintained between the hibernation site and an adjacent area of suitable retained habitat throughout this period. Where necessary, brash piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal.

Should an active (non-torpid) dormouse be encountered, clearance works will temporarily cease. The dormouse will be given adequate time to disperse away from the area and towards retained habitat before the clearance works re-commence.

Above-ground vegetation will be removed as follows:

1. Vegetation will be removed using hand-held tools/machinery slowly and carefully, and in a direction towards retained habitat to aid dispersal of wildlife potentially remaining; and
2. All woody vegetation including trees, shrubs, and scrub to be removed will be cut down to heights of between 30cm and 50cm above ground level and in a direction towards retained vegetation.

3. Brash will remain in situ for 24 hours following clearance, to allow for dispersal of wildlife. Brash will then be re-used to maintain habitat connectivity, taken off site or waste chipped and stored away from vegetated areas.

Vehicles will avoid tracking across areas subject to clearance and will instead be confined to the hedgerow edges and field interiors utilising long-reach machinery where required.

Second stage, below ground clearance, can commence from April. All below-ground material including tree stumps, root balls, buried rubble etc. will be lifted out using a tracked excavator in a sensitive manner to ensure no significant disturbance to soil and adjacent retained habitat.

Second stage clearance works will follow the methodologies listed for single stage summer clearances.

If any specimens are translocated, such material will be excavated to a depth appropriate to root depth. Specimens will be gently lifted to ensure the root ball is fully intact and transferred to the receptor trench for replanting at similar heights to its initial state. Specimens will be backfilled with topsoil to ensure no roots are left exposed, with soil firmed and sufficiently watered.

Following completion of the above and below ground clearance works the site area will be released to allow the commencement of the construction works.

Single Stage Clearance

If any areas of habitat suitable for dormice need to be cleared in summer this will be done a single-stage clearance between September and October, and in areas of sub-optimal dormouse habitat only.

Single stage clearances involve the completion of both above-ground and below-ground vegetation clearance during the dormouse active season, whilst avoiding the breeding season and hibernation season. This will encourage active dormice to move away from the habitat being cleared and towards retained vegetation.

A suitably qualified ECoW will carry out a pre-commencement check for dormice or their nests immediately prior to the clearance of suitable vegetation.

Clearance works will be overseen by a suitably qualified ECoW, named on the Development License.

Should an active (non-torpid) dormouse be encountered, clearance works will temporarily cease. The dormouse will be given adequate time to disperse away from the area and towards retained habitat before the clearance works re-commence.

In the unlikely event that a dormouse breeding nest containing young is encountered, clearance works will cease within a 10m radius of the nest until all young have independently dispersed. Habitat connectivity will be maintained between the breeding site and an adjacent area of suitable retained habitat throughout this period with no clearance works continuing here. Where necessary, brash piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal.

Above-ground vegetation will be removed as follows:

- Vegetation will be removed using hand-held tools/machinery only and in a direction towards retained habitat to aid dispersal of wildlife potentially remaining. An ECoW will work with the contractor to declare habitat sections as being clear following completion of a thorough check prior to clearance; and
- All woody vegetation including trees, shrubs, and scrub to be removed will be cut down to heights of between 30cm and 50cm above ground level and in a direction towards retained vegetation.
- Brash will remain in situ for 24 hours following clearance, to allow for dispersal of wildlife. Brash will then be taken off site or waste chipped and stored away from vegetated areas.
- Vehicles will avoid tracking across areas subject to clearance and will instead be confined to the hedgerow edges and field interiors utilising long-reach machinery where required.
- Below-ground vegetation will commence immediately after above-ground clearance and will be removed as follows:
 - A pre-commencement check by a qualified ECoW of all remaining above-ground vegetation for dormice or their nests will be carried out;
 - Should a dormouse be found during the works it will be persuaded to be move away from the working area and towards suitable retained vegetation;
 - In the unlikely event that a dormouse breeding nest with dependent young is encountered, clearance works will cease within a 10m radius of the nest until all young have

independently dispersed. Habitat connectivity will be maintained between the breeding site and an adjacent area of suitable retained habitat throughout this period. Where necessary, brash piles will be created between the nest and the suitable retained habitat to facilitate foraging and dispersal;

- Thereafter, all below-ground material including tree stumps, root balls, buried rubble etc. will be lifted out using a tracked excavator in a sensitive manner to ensure no significant disturbance to soil and adjacent retained habitat; and
- Any such excavations that occur within the root protection zone of retained vegetation will be undertaken by hand and backfilled as soon as possible.

Following completion of the above and below ground clearance works the site area will be released to the Developer to allow the commencement of the construction works.

Habitat Retention, Enhancement and Creation

Vegetation will be retained in accordance with the tree retention and removal plan submitted with the consented planning application.

The proposed new landscape planting includes a variety of native species considered to be favourable to dormice, carefully chosen to maximise structure and species diversity whilst considering fruiting/flowering potential and seasonal availability.

All retained, enhanced, and newly created habitat for dormice will be subject to a sensitive management and maintenance regime.

Reptiles

Toolbox Talk

A toolbox talk will be provided by the Ecological Clerk of Works (ECoW) to relevant contractors prior to any work that could harm reptiles taking place to:

1. provide information on the protection afforded to reptiles;
2. describe the areas in which they may be found; and
3. explain what to do should any of these animals be encountered when an ECoW is not present.

Habitat Manipulation / Vegetation Clearance

The primary means of avoiding harm to reptiles during construction (specifically during the vegetation clearance and topsoil strip) will be to translocate reptiles out of the construction area and into a receptor area.

Dismantling of suitable refugia within or adjacent to the translocation area (such as rubble or debris piles) will avoid the gravid period (May to July) and will be supervised by an ECoW. Any individuals found during this exercise will be translocated to the receptor site.

Vegetation clearance and topsoil scraping at the translocation area will be undertaken in a phased approach in winter, under the supervision of an ECoW:

- Phase 1 – Cutting vegetation to 150-200 mm, removing the arisings and leaving the area for a minimum of 2 hours to allow any reptiles to relocate;
- Phase 2 – Hand-searching the cut areas (conducted by an ECoW) and removing any sheltering habitat (e.g. logs or debris) then cutting vegetation to ground level and removing the arisings; and
- Phase 3 – Soil scrape.

After soil scraping, the area will be maintained as bare earth until construction begins, to minimise the likelihood of vegetation recolonising the area and providing new habitat for reptiles.



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