

## Hannah Keyte

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**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

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**From:** Baribeau, Jack <>

**Sent:** 07 April 2025 17:12

**To:** Ben Kite <>

**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

Hi Ben,

Thanks for your email following up on this.

Not a problem, see below –

- *As I understand our discussion, NE does understand that people using the circular route footpath provided with Phase 1 of Scotland Park have no actual right of access to the c4.6ha that makes up the area covered by the 10m buffer either side of that path (within which the S10C requires that there be no disturbing activities). Your email of 7 March was just indicating that you thought that people were likely to make use of this area nonetheless.*

Yes, NE do understand that the S106 for the Phase 1 scheme secures that there will be no disturbing activities within a 10m buffer either side of the circular walking route, rather than providing a right off access to this buffered land (c.4.6ha). It is our understanding that the Phase 1 scheme would still deliver an accessible 2.3km circular route, and this 10m buffer would provide additional security of the circular route attractiveness, naturalness and overall user experience in perpetuity.

- *NE does understand that the present position (and that which would continue to prevail if only Phase 1 of the Scotland Park development proceeds) is that the site is heavily wooded, but NE also aware that the SANG Management Plan that would be implemented under Phase 2 addresses this to at least some degree, as it proposes to introduce positive woodland management including thinning, coppicing, removal of the dense understorey of non-native invasives such as Rhododendron, bamboo etc, as well as the inclusion of the open parkland area to the north of the wood (under the larger 12ha SANG scheme). The Phase 2 scheme would of course entail the additional development to the north.*

Yes, NE do understand that the habitat management and monitoring of the woodland would introduce positive woodland management practices (*listed above*), as expected within a SANG Management Plan where woodland is a key feature/existing habitat.

- *NE is not currently aware of any other strategic SANG or other similar mitigation solution coming forward in the Haslemere area to protect the Wealden Heaths Phase II SPA from recreational pressure.*

Correct. NE is not currently aware of any other strategic SANG coming forward right now in the Haslemere area. Under the adopted Waverley Local Plan (LPP1 & LPP2), site allocations were included within the Haslemere area where the provision of mitigation towards the Wealden Heaths SPA is expected for those that meet the relevant residential dwelling thresholds.

I do hope this is sufficient.

Many thanks,

**Jack Baribeau**

Sustainable Development Senior Officer

**From:** Ben Kite < >

**Sent:** 03 April 2025 11:43

**To:** Baribeau, Jack < >

**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

Hi Jack

Thanks for your time yesterday - I really appreciate it.

Would you mind please just confirming my understanding of a few of the points that we discussed, so that I can put a note of our discussion on the file?

These are:

- As I understand our discussion, NE does understand that people using the circular route footpath provided with Phase 1 of Scotland Park have no actual right of access to the c4.6ha that makes up the area covered by the 10m buffer either side of that path (within which the S106 requires that there be no disturbing activities). Your email of 7 March was just indicating that you thought that people were likely to make use of this area nonetheless.
- NE does understand that the present position (and that which would continue to prevail if only Phase 1 of the Scotland Park development proceeds) is that the site is heavily wooded, but NE also aware that the SANG Management Plan that would be implemented under Phase 2 addresses this to at least some degree, as it proposes to introduce positive woodland management including thinning, coppicing, removal of the dense understorey of non-native invasives such as Rhododendron, bamboo etc, as well as the inclusion of the open parkland area to the north of the wood (under the larger 12ha SANG scheme). The Phase 2 scheme would of course entail the additional development to the north.
- NE is not currently aware of any other strategic SANG or other similar mitigation solution coming forward in the Haslemere area to protect the Wealden Heaths Phase II SPA from recreational pressure.

Hopefully these points are fairly factual, but if you think I've misunderstood anything please do let me know

Many thanks, and best wishes for your new role in the National team.

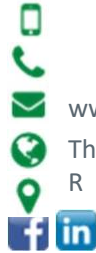
Regards

Ben

**Ben Kite** BSc (Hons) MSc CEcol PIEMA MCIEEM

Director

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**From:** Baribeau, Jack <>  
**Sent:** 27 March 2025 08:45  
**To:** Ben Kite <>  
**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

Hi Ben,

Thank you for your email.

I have some availability for next week shown below, so let me know if any of these options work for you –

- Tuesday 1<sup>st</sup> April: anytime between 3 - 4:30pm
- Wednesday 2<sup>nd</sup> April: anytime between 2 - 4pm
- Thursday 3<sup>rd</sup> April: 11:30 - 12:30, or 3 - 4pm

Many thanks,  
Jack

**Jack Baribeau**  
Sustainable Development Senior Officer  
Thames Solent Area Team | Natural England  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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**From:** Ben Kite <>  
**Sent:** 26 March 2025 14:08  
**To:** Baribeau, Jack <>  
**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

Good Afternoon Jack

Thank you for this response.

Would it be possible please to have a short Teams call with you, to run through some of the points that you make, to make sure that I have understood what you mean?

Perhaps next week if you can find a slot?

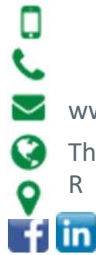
Many thanks

Ben

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**From:** Baribeau, Jack <>

**Sent:** 07 March 2025 17:10

**To:** Ben Kite <>

**Subject:** RE: Scotland Park Phase 2 - Need for Natural England Clarification

Dear Ben,

Thank you for your email and the associated queries.

Thank you also for your patience in awaiting our response.

**First Query**

Core Waverly Policies RE1, RE2 and RE3, taken from the Local Plan Part 1 (February 2018), set out the strategic and comprehensive protection of landscapes. These have been taken forward in the Local Plan Part 2: Site Allocations and Development Management Policies (March 2023) as key overarching parent policy. Natural England recognise that LPP2 is now adopted and as such, the sites allocated now in the Plan show where development can be delivered. It is understood that the Scotland Park Phase 2 site was not included as an allocation within LPP1, and it has continued to be excluded as an allocation within the newly adopted LPP2.

Regarding my email dated 13 April 2023 - Natural England recognise this statement out of context may be misleading. At the time of writing, the statement recognised that the Scotland Park Phase 2 scheme was not allocated in the Local Plan for development sites in Haslemere.

Natural England acknowledge your points in this query, specifically points i), ii), and iii), regarding delivering on-site SANG to mitigate the recreational impacts of the Scotland Park development upon the Wealden Heaths SPA, and the potential for any additional SANG capacity being available elsewhere. We have provided advice on the SANG aspect of this scheme, leading to a discussion over the additional SANG capacity which could be brought forward, alongside more recent discussions over the in-principle agreement of the SANG having potential opportunities for achieving 12ha in size and a 4km driving catchment. This would be subject to the detailed changes to the SANG masterplan and SANG Creation and Management Plan being agreed in consultation with Natural England. This advice has been provided under our Discretionary Advice Service (DAS) for the purposes only to review the potential SANG opportunities, which have been highlighted.

However, we continue to **object** to this Phase 2 scheme, as submitted, due to the clear direct and irreversible loss to the Surrey Hills National Landscape. Please refer to our latest letter submitted 4 December 2024 for our full advice on these matters. Please note the National Planning Policy Framework (NPPF) has since been updated following the submission of our most recent objection letter, and we continue to advise that paragraphs 187, 189 and 190 should be given full consideration. Additionally, [Section 245](#) (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (“National Landscape”) in England, **to seek to further the statutory purposes of the area**. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

## **Second Query**

We note that under application referenced WA/2020/1213 (Scotland Park Phase 1), the requirements for greenspace mitigation in this area are already to be delivered in perpetuity, as in line with Waverley policy NE1 and the mitigation requirements for the Wealden Heaths Special Protection Area (SPA). Natural England acknowledge that the Phase 1 scheme does not provide mitigation in the form of SANG in line with our SANG Guidelines (Aug 2021) and does not provide strategic mitigation. However, the ‘greenspace’ constituting a secured 2.3km circular walk does offer undisturbed recreational benefits within the landscape. The greenspace mitigation referred to here, and secured via the Section 106 Agreement for the Phase 1 application, pertains to a 2.3km circular footpath to be maintained and kept open for public use, and that an area within 10m either side of that footpath be protected, such that no activity is permitted which might negatively affect the enjoyment of people using the path for recreation. It is also worth noting that much of the site is heavily wooded and within the Surrey Hills National Landscape. Much of this dense woodland surrounds the circular walk for the Phase 1 offer. This makes for an attractive and natural walk, with little concern and perhaps more restricted opportunities over the potential for future activities or built development impeding on the walking route and the recreational use of the footpath.

The Phase 1 scheme also promotes no additional intrusive residential or built development itself, protecting the rural nature and naturalness of the area while conserving the special interests of the protected landscape, namely the Surrey Hills National Landscape. Noting that the Phase 1 offer secured a 2.3km circular footpath, and a 10m buffer either side of this, this would effectively deliver approximately a 4.6ha walking area for recreation, while preventing a direct and irreversible loss to the National Landscape.

Natural England do acknowledge that this Phase 2 scheme at Scotland Park aims to deliver a formal 9.69ha SANG in line with the NE SANG Guidelines (Aug 2021), which Natural England have agreed. It is important to again note that much of this SANG offer is already heavily wooded, where general recreational access and use in these parts may similarly be kept to the circular route itself, alike the Phase 1 proposal. We have engaged in discussions via DAS over the SANG aspect of this scheme only. This has led to several of your points in the ‘[First Query](#)’ above relating to our conversations over the potential for an increased SANG catchment and noting additional capacity that this SANG could bring forward. This advice via our DAS has been wholly to do with the plans for a Phase 2 SANG offer, while Natural England have maintained our fundamental concerns over the current application, as submitted, and continue to **hold an objection**. This is because the Phase 2 application includes residential and built development wholly within the Surrey Hills National Landscape boundary, that will:

- have a significant impact on the purposes of designation of the Surrey Hills National Landscape
- result in a direct and irreversible loss of Surrey Hills National Landscape designated land.

Natural England guide you back to our previous objection letters, with the most recent one submitted on 4 December 2024, to demonstrate our position on this submitted application. Please consider this formal letter (ref 493337) our up-to-date advice and objection to this scheme.

Kind regards,

**Jack Baribeau**

Sustainable Development Senior Officer  
Thames Solent Area Team | Natural England  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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**From:** Ben Kite <>  
**Sent:** 03 February 2025 10:33  
**To:** Baribeau, Jack <>  
**Subject:** Scotland Park Phase 2 - Need for Natural England Clarification  
**Importance:** High

Dear Jack

I hope you are well.

As you may be aware, following the High Court’s decision to quash the original Appeal decision for Scotland Park Phase 2 (Waverley Borough Council Planning application number: WA/2022/01887) and order a re-determination, a second Public Inquiry is now scheduled to begin on 8 April 2025, to re-determine the Appeal (Appeal Ref: APP/R3650/W/23/3327643).

We are therefore in the process of preparing revised evidence to submit to the new Inspector.

In doing so, I have come across two statements that you have made in correspondence that I believe the Inspector would benefit from having clarified.

I appreciate that you may require a further Discretionary Advice Service (DAS) budget, in order to be able to respond fully and promptly to these queries. I believe that we may have an open DAS which can be utilised, permitting recharge of your time on the agreed hourly rate, but if not please let me know, as the Appellant is willing to agree to a new budget to enable these queries to be addressed. In view of the fairly short timescale however before the opening of the Public Inquiry, I would be grateful for a response at your earliest convenience.

### **First Query**

Firstly, in your email to Waverley Borough Council of 13 April 2023, you state the following:

*“In terms of the Habitats Regulations it is noted that the proposed SANG mitigation is suitably required to avoid adverse effects on SPA site integrity. However, the first aim should always be to avoid requiring mitigation in the first place. As such, it isn’t a benefit to develop where you might have an effect on an SPA and so require SANG in the first place, especially when there may be alternative locations to pursue.....*

*In this case there appear to be alternative sites identified for Haslemere which can be explored to achieve the housing need for ‘Development Sites in Haslemere’,*

*indicating that there are options with 'less harmful impacts' on the SPA, and therefore in recognition of the NPPF"*

We believe that, in the absence of clarification, these statements have the potential to mislead the Inspector, so we would welcome any assistance that you could offer in this respect.

Firstly, whilst it is the case that 'alternative sites' for have been identified for housing in the Haslemere area as part of Waverley Borough Council's Local Plan Part 2, it is also the case, as shown on the attached map that:

- i) Scotland Park is located the furthest away from the Wealden Heaths SPA of any site allocated in Local Plan Part 2 (except perhaps DS05, which is a similar distance) in the Haslemere area, hence there are not options with 'less harmful impacts.' Indeed, the adopted housing allocations result in quite the opposite;
- ii) Scotland Park is the only proposal that is capable of delivering a SANG that has been approved by NE as not only being sufficient to prevent the impacts of the Scotland Park proposals on the SPA, but also provide significant surplus SANG capacity to help prevent the impacts of all other allocated sites in the Local Plan.
- iii) Noting the geography of Haslemere, being wholly within the 5km zone around the Wealden Heaths II SPA and appreciating that the town must deliver at least 990 dwellings under the present Local Plan but potentially up to 1,060 (see page 135 and 136 of Local Plan Part 2 - attached), the scope for avoiding mitigation in the first place is no longer an option. Matters have long moved on, hence our clients have invested heavily in responding to the policy framework and engaging with NE to achieve a high quality SANG, entirely meeting NE specification and guidance (attached).

In respect of point ii) above, I would just remind you that in your email of 12 October 2022 you confirmed that the SANG that was submitted with the Scotland Park Phase 2 proposals would have sufficient surplus SANG capacity after both Phase 1 and Phase 2 of Scotland Park were accounted for, to address the impacts of a further 324 residential dwellings on the Wealden Heaths SPA. You also confirmed agreement in your email of 20 December 2023, that the submitted SANG scheme of 9.69ha could if necessary be extended to achieve over 12ha of SANG, and by extension provide a 4km driving catchment (rather than a 2km catchment), subject to:

- a) targeted planting/ screening between the proposed development edge and the new SANG extension area.
- b) the proposed surveillance house is to be as unobtrusive as possible, perhaps kept as a bungalow and with materials that blend with the surroundings to provide a more natural feel.

These requirements are agreed by our clients and deliverable within a Reserved Matters planning application.

As you can see from the enclosed map therefore, this effectively means that if consented, the Scotland Park SANG would not only be capable of addressing its own effects on the SPA, but also the effects of the majority of all other allocated sites in Haslemere (or all proposed new sites in Haslemere, if the SANG were extended to 12ha to benefit from the larger driving catchment as shown on the attached plan).

I would go so far as to state that in my professional opinion, the Scotland Park SANG will also help mitigate the in-combination contributions toward recreational pressure on the Wealden Heaths SPA arising from smaller residential developments in Haslemere that are not 'caught' by the current policy advocated by Natural England, that does not seek any mitigation from developments of less than 20 dwellings (see paragraph 7.14 of Local Plan Part 2). By my calculations, The Local Plan assumes delivery of some 673\*\* dwellings in Haslemere from this source, ironically resulting in significant additional recreational pressure from un-mitigated schemes acting in combination with each other. Only 387 dwellings are required to provide SANG or HIPs mitigation solutions.

\*\* Adopted Local Plan Part 2 pages 135-136:

Total housing delivery for Haslemere: Up to 1060 dwellings (Minimum target 990 dwellings as stated in para 7.10, plus over-provision of 70 dwellings as described in para 7.17)  
Sites required to mitigate for SPA – Sturt Farm (135), Old Grove (40), Royal School (90), Central Hindhead (38), Town centre allocations (84) = 387  
1060 – 387 = 673 dwellings not mitigating for their contribution to recreational pressure on the Wealden Heaths SPA.

In this context, Natural England must surely accept the substantive benefits arising from the Scotland Park SANG and I would seek your specific acknowledgment in this regard.

Our view given the above (i.e. that there are no residential sites located further from the SPA, and also none that can provide a strategic SANG of this nature), is that your statement to Waverley that there are ‘alternative sites’ to be explored that can achieve the housing need for Haslemere that have ‘less harmful impacts’, appears to have no basis.

**As your email of 13 April 2023 has been put before the Inspector but doesn’t appear to be supported by the facts, we would very much appreciate it if you could please clarify what you meant, or, if appropriate, withdraw the comment (i.e. if you are in fact unaware of any prospective development sites that would have a ‘less harmful impact’ on the SPA than Scotland Park, then please state this).**

Additionally, in the above quoted text you also state that it “*isn’t a benefit to develop where you might have an effect on an SPA and so require SANG in the first place, especially when there may be alternative locations to pursue*”.

In relation to the above, please be aware that it has not ever been claimed by the Appellant (or anyone else to our knowledge), that only being able to mitigate the effect of the Scotland Park development on the SPA is a benefit that should count in favour of the proposals. Instead, and notwithstanding the fact that there appear to be several other allocated sites in Haslemere that have been unable to mitigate their impact and which have consequently sustained objections from NE on this basis, what the Appellant has claimed, is that the ability of the Scotland Park scheme to address not only its own impacts on the SPA, but potentially the impacts of every other allocated site in Haslemere, is clearly a benefit of the scheme (that ‘benefit’ being that Scotland Park can address far more recreational pressure on the SPA that it generates, whilst simultaneously unlocking multiple allocated sites for development and by extension helping to meet housing need in Haslemere).

**I would be grateful in relation to the above, therefore, if you could please acknowledge that Natural England understands the crucial point being made by the Appellant, which is that the unique benefit offered by the Scotland Park proposals is the ability to address the potential impacts of other development on the SPA (in addition to its own).**

## **Second Query**

In your letter of 4 December 2024 to the Planning Inspectorate, you have stated the following:

*“We note that under application referenced WA/2020/1213 (Scotland Park Phase 1), the requirements for greenspace mitigation in this area are already to be delivered in perpetuity, as in line with Waverley policy NE1 and the mitigation requirements for the Wealden Heaths Special Protection Area (SPA). Natural England are uncertain of the additional greenspace benefits that this scheme would deliver, noting Phase 1 alone is delivering recreational greenspace in perpetuity, without the urban intrusion of additional built development and roads in this area.”*

As you are fully aware from the Discretionary Advice Service (DAS) discussions that the Appellant has undertaken with NE, since you took over from your colleagues Marc Turner and Miranda Petty, the Phase 1 development at Scotland Park does not provide the recreational greenspace (i.e. the SANG) in perpetuity and does not therefore provide any surplus mitigation to facilitate ANY additional development in the locality. Your statement to the Inspector is therefore in my view factually incorrect.

Instead, the consented Phase 1 proposal provides (as was agreed with Natural England), a 2.3km circular walk and a connecting permissive path through the woodlands located to the south of the Phase 1 residential development area. The Section 106 Agreement for the Phase 1 application requires only that this footpath be maintained and kept open for public use, and that within 10m either side of that footpath, no activity is permitted which might negatively affect the enjoyment of people using the path for recreation. The appellant has more recently (post consent of Phase 1) agreed with you via email (sent 8 December 2023) that if the Circular walk route is to be varied via an amendment to the Section 106 Agreement, then the area within which restrictions apply on the types of activity that can take place would be extended to cover the fields located to the south of the woodland (i.e. no 'disturbing' activities would be permitted to take place in these fields), but there remains no right of access either to these fields or anywhere else, beyond the 2.3km circular route footpath delivered with Phase 1.

Besides the 2.3km circular footpath and connecting permissive path, the consented Phase 1 Scotland Park application provides no SANG, requires no SANG management plan to be implemented, provides no rights of access to the public beyond the agreed circular route and permissive connecting path, provides no other recreational infrastructure of any kind within the proposed SANG area (e.g. benches, gates, dog waste or litter bins, interpretation material etc) and provides no car park. By definition, it does not meet NE's Guidelines for the Creation of SANG (attached).

By contrast, the larger 9.69ha SANG proposal that is offered with the Phase 2 Scotland Park application offers all of the above additional benefits, including a car park to enable visitors to reach the SANG from beyond walking distance (including, potentially, other allocated sites in Haslemere).

Natural England is aware of these facts, as they have been the subject matter of paid DAS meetings, discussion and advice, including both with yourself and your predecessors at NE, during which the contents of the proposed SANG Creation and Management Plan (which would not be implemented if Phase 2 is not consented) have been shared, discussed, amended and agreed.

In our view, given the fact that NE has been involved in fairly extensive DAS discussions on the additional SANG offering proposed to be delivered with Phase 2 of the Scotland Park development, the statement that "*Phase 1 alone is delivering recreational greenspace in perpetuity*" is not only factually incorrect, but when presented alongside the assertion that NE is 'uncertain' of the additional greenspace benefits that would be provided by Phase 2 proposal (despite NE being fully aware of these additional benefits), there is a significant risk that the Inspector might be misled.

**Given the above, we would request that NE clarify the above comment from its letter of 4 December 2024 to the Planning Inspectorate, including confirming that it is in fact aware of the additional SANG offering that would be delivered alongside Scotland Park Phase 2, should it be consented.**

I trust that the two areas outlined above where we are seeking clarification are clear and straightforward, but if you have any queries or would like to discuss anything, please do let me know.

I should say that the Planning Inspectorate requires evidence to be submitted by late February, so if you are please able to address these queries at your earliest convenience, it would be much appreciated.

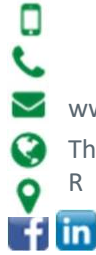
Many thanks

Ben

Ben Kite BSc (Hons) MSc CEcol PIEMA MCIEEM

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