



Sibbett Ecology

A boutique ecology micro-consultancy

Waverley Borough Council: Land North of Lydia Park, Stovolds Hill, Cranleigh

Project:	Stovolds Hill 1 and 2
No. / ref:	PINS REF: APP/R3650/W/22/3313865, 3314447, 3322400, 2223108
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Item

Introduction

This note provides a discussion of the changes to the National Planning Policy Framework following the publication of the August 2026 version, and how it affects the Inquiry. The two key policy elements in the August 2026 NPPF with respect to these Appeals are Policy N2 and Policy N6.

Response to new Policy N2

Policy N2:2 has the same wording as paragraph 193a of the NPPF 2024 '*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'. This maintains the strength of policy basis for the Council's case for dismissal of both appeals.

Policy N2:1f addresses the need to minimise impacts on biodiversity and introduces the term 'threatened species', which the 2024 NPPF was silent on. The glossary defines threatened species as including but not limited to Priority Species (e.g. in this case, Wood White butterfly) or protected species (e.g. in this case, bats, great crested newt, reptile, breeding birds). This gives greater weight to species protection than the 2024 NPPF. Local Plan Policy NE1 gives protection to 'features of biodiversity interest' and this has been taken to include Priority Species and protected species, although the policy does not explicitly define what it means by 'features'. The majority of Local Plan Policy NE1 discusses designated sites and habitats. NPPF Policy N2:1f therefore clarifies and strengthens the policy basis for the Council's case for dismissal of both appeals.

Policy N2:1d requires that applications '*Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible*'. The developments removed the ditch, a belt of woodland priority habitat, and grassland, with loss of any

Priority and Protected species which were there. This policy requirement was not met and maintains the policy basis for the Council's case for dismissal of both appeals. The policy is not too dissimilar in concept to the Local Plan Policy NE1 although worded in a different way.

The last part of policy N2:1f requires swift boxes to be integrated into developments unless there are compelling technical reasons not to. It is not practical to integrate swift boxes into mobile homes and they are not 5m high which is the minimum height needed for use by swifts, which is a compelling reason not to integrate them. The Council does not wish to pursue the lack of integrated swift boxes.

Response to Policy N6

Policy N6 refers to designated sites and irreplaceable habitats such as ancient trees.

No designated sites are present, although if Wood White butterfly had been present on the appeal sites prior to development as part of a larger habitat, the appeal sites and larger habitat would qualify as a site of local importance. Policy N6 would therefore be engaged; there is a reasonable likelihood that the Wood White butterfly was present but surveys have not been carried out.

No irreplaceable habitats such as ancient trees are thought to have been present prior to the development.

Conclusion

The new NPPF clarifies and strengthens the Council's case for dismissal of the appeals with respect to Priority and Protected Species, by explicitly defining them as 'threatened species' in relation to protection of biodiversity. Other changes do not materially strengthen nor weaken the Council's case as expressed in my Proof of Evidence and Rebuttal Proof.

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