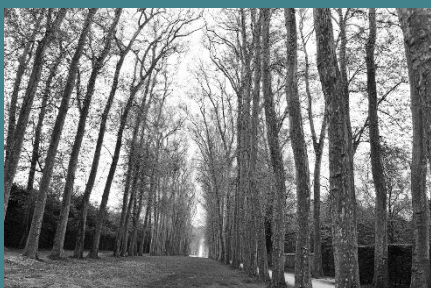


Planning Inspectorate Appeal Ref: APP/6008529
Planning Application Reference: 25/P/01521

FPCR | environment
& design



STATEMENT OF COMMON GROUND (ECOLOGY AND BIODIVERSITY MATTERS)

Between:

Peter Hoy (FPCR Environment and Design Ltd)

and

Kevin Wood (SLR)

Project

Land at Shortlands Farm, Guildford Road, Ash, Guildford GU12 6DF

Date

September 2026

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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground ("SoCG") has been prepared jointly by Peter Hoy (FPCR Environment and Design Ltd) and Kevin Wood (SLR)) in respect of the appeal against the non-determination of outline planning application ref. 25/P/01521 (PINS ref. APP/6008529), for residential development of up to 200 dwellings with associated access, infrastructure and green space at Land at Shortlands Farm, Guildford Road, Ash, Guildford GU12 6DF ("the Site").
- 1.2 This is a topic-specific Statement of Common Ground dealing with ecology and biodiversity only. It sits alongside, and should be read together with, the Main Statement of Common Ground (CD8.03), and does not repeat matters already recorded there save where necessary for context.
- 1.3 The main SoCG includes, at Section 8.0, that no residential development is proposed within the 0–400m exclusion zone from the Thames Basin Heaths Special Protection Area (TBH SPA), the Thursley, Ash, Pirbright & Chobham Special Area of Conservation ("SAC") and the Ash to Brookwood Heaths Site of Special Scientific Interest ("SSSI"); that the whole of the residential development lies within the 400m–5km Zone of Influence; and that the draft Section 106 Agreement includes proposed mitigation for impacts on the TBH SPA. That position is not repeated in full below. Separately, the Main SoCG records at Table 9.1 (Matters not agreed) a dispute as to whether, without completion of an acceptable S106/legal agreement, NPPF paragraph 11d)(i) provides a strong reason for refusal in relation to the TBH SPA; that is a planning balance matter and is not addressed further in this ecology SoCG.
- 1.4 The main SoCG also records, at Table 9.1, Ecology and Biodiversity as a matter not agreed, reflecting the Council's position that insufficient ecological information and Biodiversity Net Gain (BNG) evidence has been provided to demonstrate policy compliance. This SoCG supersedes that by setting out, on a matter-by-matter basis, which ecological issues are now agreed and which remain in dispute, having regard to developments since the Council's Statement of Case (29 June 2026), including the completion of the full bat survey season and the Appellant's proposed entry into the NatureSpace District Level Licensing (DLL) scheme.
- 1.5 This SoCG addresses the ecological matters raised in the Council's putative Reasons for Refusal (RfR) 1 and 2, namely the biodiversity net gain and TBH SPA mitigation elements of Reason for Refusal 1, and the adequacy of protected species information (birds, bats and great crested newt) under RfR 2. For completeness, it also addresses the effect of the proposed development on hedgerow Habitats of Principal Importance (HPI). This matter is not raised in the Council's putative RfR or Statement of Case, but was identified in the Officers' Report (CD4.01) as a material consideration; the parties consider it appropriate to record their position on this matter now, rather than leave it to be raised for the first time at the Inquiry.
- 1.6 This SoCG has been prepared following engagement between Peter Hoy and Kevin Wood.
- 1.7 Where a matter is recorded under Section 4 (Areas of Agreement) below, this reflects the joint position of both parties. Matters recorded under Section 5 (Areas of Disagreement) remain in dispute and will be addressed further in the parties' respective Proofs of Evidence.

2.0 THE APPEAL SITE AND ECOLOGICAL CONTEXT

- 2.1 The Appeal Site comprises horse-grazed grassland with hedgerows, tree lines, scrub and a seasonal/ephemeral stream, as described in the Ecological Impact Assessment (EclA, FPCR, October 2025) (CD1.07).
- 2.2 It is agreed that the ecological baseline for the Appeal Site, comprising the habitat and protected species surveys reported in the EclA (CD1.07, October 2025), as updated and supplemented by the FPCR Technical Note (22 April 2026) and the further static bat detector surveys undertaken in April, May and June 2026, has been prepared using survey methodologies and survey effort consistent with recognised good practice guidance, including the CIEEM Guidelines for Ecological Impact Assessment and, in respect of bats, the Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines. It is further agreed that this baseline accords with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (April 2019) and is adequate and sufficient to inform the assessment of the ecological effects of the proposed development for the purposes of this appeal.
- 2.3 The Ash to Brookwood Heaths SSSI forms a component part of both the TBH SPA and the SAC, with notified features consistent with those designations. As a consequence a single mitigation strategy, based on that detailed in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2017, updated 2024), addresses the 'scoped in' potential Likely Significant Effects arising as a result of the appeal scheme on all three designations. This was confirmed in the FPCR Technical Note (April 2026) and is not disputed.
- 2.4 The Basingstoke Canal SSSI, approximately 1.2km north-west of the Appeal Site and designated for its nationally important aquatic plants and invertebrates, is sufficiently distant and unconnected by any relevant pathway of effect that no adverse effect on this designation arises. This is not disputed.

3.0 AREAS OF AGREEMENT

- 3.1 The following matters are agreed between the parties.

Thames Basin Heaths SPA

- 3.2 The Parties agree that the Appeal Site lies within the 5km zone of influence of the TBH SPA, and that mitigation for recreational disturbance impacts is required in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2017, updated 2024) (CD5.09) and Policy P5 of the Guildford Local Plan: Strategy and Sites.
- 3.3 The Parties agree that the mitigation strategy comprises:
1. a Strategic Access Management and Monitoring (SAMM) financial contribution, calculated on a per-dwelling basis in accordance with the SPD; and
 2. off-site Suitable Alternative Natural Greenspace (SANG) provision, secured either by way of Council confirmation that capacity has been allocated within an approved SANG, or by evidence of a binding SANG Allocation Agreement, in either case prior to commencement of development.

- 3.4 The Parties agree that, subject to paragraph 3.5 below, the mitigation measures identified above will ensure no adverse effect on the integrity of the TBH SPA, the Thursley, Ash, Pirbright and Chobham SAC, or the Ash to Brookwood Heaths SSSI, either alone or in combination with other plans or projects, and that the proposal would therefore accord with Policy P5 and Paragraphs 194–195 of the NPPF. This approach is set out in Appendix H: Shadow Habitat Regulations Assessment Ecological Impact Assessment & SANG Statement, (FPCR, October 2025). Natural England concur with this conclusion of '*no adverse effect on integrity*' in their response dated 5th May 2026, *subject to an appropriate legal agreement*
- 3.5 Agreement on the matters set out above is reached subject to client instruction and conditional upon the completion of a Section 106 Agreement which secures, prior to the commencement of development:
1. payment of the SAMM contribution to the Council in accordance with the SPD tariff; and
 2. confirmation of SANG capacity sufficient to mitigate the recreational impacts of the Appeal Scheme, whether by Council confirmation of allocated capacity or by a binding SANG Allocation Agreement, in accordance with paragraph 2 of the Fourth Schedule to the draft Deed.
- 3.6 The Parties note that, as at the date of this Statement, no SANG agreement has been formally entered into. The Parties agree that this is capable of resolution by way of the Section 106 Agreement preventing occupation of the development until such time as the SANG allocation is secured.

Habitats

- 3.7 It is agreed that habitats within the site are of limited intrinsic value.
- 3.8 It is agreed that five of the eleven hedgerows on the Appeal Site (including hedgerow H2) are Habitats of Principal Importance (HPI) for the purposes of Section 41 of the Natural Environment and Rural Communities Act 2006, by reason of comprising at least 80% native species. It is further agreed that none of the hedgerows on the Appeal Site qualify as 'important hedgerows' under the Hedgerows Regulations 1997, and that none constitute an irreplaceable habitat for the purposes of NPPF paragraph 193(c) or Policy P6(2) or (3) of the LPDMP.
- 3.9 It is agreed that all native hedgerows and tree-lines are to be retained save for minor losses to hedgerow H2 and tree-line L2, both required solely to enable the creation of the proposed access.
- 3.10 It is agreed that the loss is compensated by new native, species-rich hedgerow creation elsewhere on the Appeal Site, and that the updated BNG Report (Rev A, 08.04.26) demonstrates a net increase in hedgerow habitat units of 95.28% (from 3.87 to 7.56 units).
- 3.11 It is agreed that, on this basis, the effect on hedgerow HPI is adequately addressed through the mitigation hierarchy and biodiversity net gain secured below, in accordance with Policy P6(1), Policy P7, NPPF paragraph 187(d) and the Council's duty under Section 40 of the NERC Act 2006, and does not warrant a reason for refusal.
- 3.12 It is agreed that the submitted Green Infrastructure Parameter Plan (CD2.08) shows an undeveloped buffer of at least 8 metres, measured from top of bank, retained on both sides of Stream S1 along the southern Site boundary. It is further agreed that this buffer is adequate to

protect and enhance the ecological function of Stream S1, having regard to its existing Poor condition and ephemeral nature, and that 8 metres meets the minimum buffer width applied to main rivers as reflected in LPSS (paragraph 4.6.56), notwithstanding that Stream S1 is an ordinary, rather than a main, watercourse for these purposes.

Bats

- 3.13 It is agreed that the initial 2025 and subsequent 2026 static detector surveys are sufficient and in accordance with Bat Conservation Trust (BCT) guidance to understand the status and impact on bats.
- 3.14 Three aerial assessments were carried out on the two trees considered at risk (T1 and T2), in accordance with the BCT guidelines. A third tree (T3), unsafe to aerially inspect, was subject to only two nocturnal surveys, with the third not completed following fixing of the Land-use Parameters, which includes a wide buffer of greenspace around this tree and avoids the potential for both direct and indirect impacts on potential bat tree roost features.
- 3.15 Following completion of the additional survey completed in 2026 and reported in the Updated Bat Survey Report (FPCR, July 2026), it is agreed that the bat baseline now fully complies with BCT survey guidance and that no further bat surveys are required.

Lighting

- 3.16 It is agreed that light-sensitive species, including bats, are present on and around the Appeal Site, and that the submitted Lighting Statement (CD1.22) appropriately identifies ecologically sensitive areas and sets out a sensitive lighting scheme having regard to BCT guidance on bats and artificial lighting.
- 3.17 It is agreed that a planning condition should be imposed requiring approval of a detailed external lighting scheme prior to occupation, according with the principles of the Lighting Statement and BCT guidance and specifically referencing and protecting the ecologically sensitive areas identified.

Hazel Dormouse

- 3.18 It is agreed that hazel dormouse can reasonably be assumed absent from the Appeal Site. It is agreed that hazel dormouse does not represent a constraint to the proposed development and that no further survey or mitigation is required.

Reptiles

- 3.19 It is agreed that presence/absence reptile surveys undertaken across seven visits between May and October 2025, in accordance with recognised good practice guidance, identified a low population of slow-worm, with the Appeal Site of no more than Site-level importance for reptiles.
- 3.20 It is agreed that the majority of suitable reptile habitat will be retained, that losses are limited to habitat of very limited suitability, and that additional habitat creation can be provided, together with a precautionary working method statement for passive displacement, secured within a Construction Environmental Management Plan ("CEMP") by planning condition.

Great Crested Newt

- 3.21 The Parties agree that Surrey falls within the area covered by the NatureSpace district level licensing (DLL) scheme for great crested newt, operated in partnership with Natural England. The DLL scheme is a strategic, landscape-scale approach to great crested newt conservation, first piloted in Woking and now operating across Surrey, and agreed between Natural England and Guildford Borough Council as compliant with the Habitats Regulations. Its use provides the decision-maker with reasonable certainty that a licence would be granted, consistent with national planning policy.
- 3.22 The parties agree that the ecological implications of the proposed development for great crested newts (a European Protected Species) have been adequately assessed and can be satisfactorily addressed through the NatureSpace District Licence Report (ref. 202607019, dated 6 August 2026), prepared in accordance with the District (Organisational) Licence WML-OR175 held by Guildford Borough Council.
- 3.23 The parties further agree that, subject to the imposition of planning conditions 1 and 2 as set out at pages 6–7 of the report (linking the permission to the District Licence and requiring submission of the NatureSpace delivery certificate prior to commencement), the proposed development can lawfully proceed under the District Licensing Scheme, and that great crested newts are not a matter in dispute between the parties at this appeal.

Overwintering Birds

- 3.24 It is agreed that the Site comprises heavily grazed horse paddocks supporting dry grassland, together with retained hedgerows, treelines and an ephemeral stream along the southern boundary which holds negligible standing water even through the winter months (c.5cm recorded in March 2026).
- 3.25 It is agreed that the Site does not comprise arable land, improved or unimproved grassland, wetland, estuarine or other open habitat of a type capable of supporting a nationally or locally important assemblage of overwintering birds, and that there is no evidence available to indicate that the Site forms part of a wider functional landscape used for winter foraging, roosting or refuge by such species.
- 3.26 It is agreed that no qualifying species of the Thames Basin Heaths SPA (nightjar, woodlark, Dartford warbler) were recorded on Site during surveys, and that the Site's habitats are not of a type capable of supporting these heathland specialist species, which are in any event associated with the SPA in a breeding, rather than overwintering, context.
- 3.27 It is agreed that the non-qualifying species of interest associated with the SPA (hen harrier, merlin, short-eared owl and kingfisher) similarly require open heath, wetland or riparian habitats which are absent from the Site, such that their occurrence on Site is not anticipated. On this basis, it is agreed that the Appeal Proposal would not give rise to a significant effect on the overwintering bird interest of the Thames Basin Heaths SPA, whether in respect of qualifying or non-qualifying species.
- 3.28 It is agreed that the Site's value for wintering birds is limited and that the proposed green infrastructure has potential to increase the diversity and suitability of on-site habitat for this generalist assemblage.

- 3.29 It is agreed that, in the absence of suitable supporting habitat, a dedicated overwintering bird survey is not required to inform the assessment of effects, consistent with the principle of proportionality set out at Paragraph 99 of ODPM Circular 06/2005 (CD6.20).

Biodiversity Net Gain – Mechanism

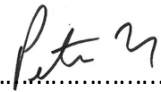
- 3.30 It is agreed that the statutory BNG framework, and the related national Planning Practice Guidance, operate primarily following the grant of planning permission, and that the Biodiversity Gain Plan is properly a matter for approval prior to commencement of development (in accordance with Schedule 7A to the Town and Country Planning Act 1990) rather than at the outline planning stage.
- 3.31 It is agreed that the updated BNG Metric, which is cognisant of the Surrey LNRS, demonstrates that hedgerow and watercourse units both exceed the necessary percentage net gain but that the final BNG assessment will rely on the detailed design of the Scheme.
- 3.32 It is agreed that the BNG post-development calculation does not currently reflect the drainage infrastructure (e.g. a headwall) likely to be necessary, and ultimately driven by detailed design, on the watercourse shown on the Drainage Strategy. The Parties agree this is a matter of post-development detail properly addressed through the Biodiversity Gain Plan required under Schedule 7A, and does not undermine the net gain conclusion reached at this stage.

4.0 AREAS OF DISAGREEMENT

- 4.1 It is not agreed that the current report is adequate and sufficient to inform the assessment of the ecological effects of bats. The species assembled assessment is not in line with UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. The assessment does not account adequately for rarer species which have been recorded on site.
- 4.2 It is not agreed that the initial 2025 and subsequent 2026 static detector surveys are sufficient and in accordance with Bat Conservation Trust (BCT) guidance to understand the status and impact on bats, specifically the Status and Impacts on bats.
- 4.3 It is not agreed that light-sensitive species, including bats, are present on and around the Appeal Site, and that the submitted Lighting Statement (CD1.22) appropriately identifies ecologically sensitive areas and sets out a sensitive lighting scheme having regard to BCT guidance on bats and artificial lighting.#

SIGNATURES:

On behalf of FPCR Environment and Design Ltd:

Signature:

Name:...Peter Hoy (FPCR).....

On behalf of SLR:

Signature: 

Name: ...Kevin Wood (SLR).....

FPCR Environment and Design Ltd

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