



The Ecology Co-op

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SUPPLEMENTARY PROOF OF EVIDENCE ECOLOGY

Supplementary to the Proof of Evidence (Ecology) dated 22nd July 2026

of

Paul Whitby BSc (Hons), MCIEEM, CEcol
Managing Director and Principal Ecologist,
The Ecology Co-op

on behalf of the Appellant, Fairfax Aspire Ltd

Land at Farm View, Langley Vale Road, Epsom, Surrey KT18 6AP

Outline application for up to 110 dwellings (all matters reserved except access)

Appeal Reference: APP/P3610/W/26/6006971

LPA Reference: 25/00846/OUT

TECO Project Reference: P2851

DATE: 26th August 2026

1. PURPOSE AND SCOPE OF THIS SUPPLEMENTARY PROOF

1. I am Paul Whitby BSc (Hons), MCIEEM, CEng, Managing Director and Principal Ecologist at The Ecology Co-op (“TECO”). My qualifications and experience, my involvement with the appeal scheme and my declaration are set out at Section 1 of my Proof of Evidence (Ecology) dated 22nd July 2026 (“my Proof”) and are not repeated here.
2. This Supplementary Proof is prepared for a single purpose. On 17th August 2026, after my Proof was completed, the Ministry of Housing, Communities and Local Government published a revised National Planning Policy Framework (“the 2026 Framework”). It replaces the Framework published in December 2024, on which my Proof, the Council’s Committee Report and the Statement of Case of the Rule 6 Party all proceeded. Annex A of the 2026 Framework confirms that its policies are material considerations which must be taken into account in decision-making from the day of its publication.
3. This Supplementary Proof identifies the ecological policies of the 2026 Framework which are engaged by the appeal scheme and explains what effect, if any, the change of national policy has on the conclusions in my Proof. It does not revisit the ecological baseline, the assessment of effects, the mitigation and compensation package or my response to the Rule 6 Party, all of which are unchanged. Where my Proof refers to the biodiversity policies of the Framework generically, those references should now be read as references to the 2026 Framework and to the policies identified below.

2. THE 2026 FRAMEWORK — STRUCTURE AND POLICIES ENGAGED

4. Paragraph numbers have been replaced by thematic policy codes within the new NPPF, and each chapter now distinguishes between plan-making policies, directed at the preparation of development plans, and national decision-making policies, which apply to the determination of development proposals. The Framework states that plan-making policies are not to be used to decide proposals. Ecology and biodiversity are dealt with principally at Chapter 19, “Conserving and enhancing the natural environment”, in policies N1 to N6 (pages 88 to 92).
5. The national decision-making policies engaged by this appeal are N2 (Improving the natural environment), N3 (Trees in new development) and N6 (Areas of particular importance for biodiversity and geodiversity). N1 is a plan-making policy and does not fall to be applied to this appeal, although its treatment of biodiversity net gain is relevant to the weight to be given to development plan policy, which I have discussed further below. N4 (Protected Landscapes) and N5 (Maintaining the character of the coast) are not relevant to this site, as the appeal site lies neither within nor within the setting of a National Park or National Landscape, and no coastal designation applies. Outside Chapter 19, policies P1 and P3 (pollution and water quality), F8 (drainage) and DP3(2)(c) (design — nature) are relevant to my evidence, and policy DM2 governs the information required in support of an application.

3. EFFECT ON MY EVIDENCE

Assessment of effects and the mitigation hierarchy — policy N2(2)

6. Policy N2(2) provides that 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 the development should be refused. That is the same mitigation hierarchy, and the same consequence, as the December 2024 Framework applied. The single refinement is that avoidance is now expressly described as including the option of an alternative site.
7. That refinement does not alter my conclusions. As set out at Section 4 of my Proof, the residual ecological effects of the scheme, with the mitigation and compensation proposed, are not significant. The threshold of “significant harm” in N2(2) is therefore not reached and the question of alternative sites does not arise under this policy. The habitat to be developed is intensively cultivated arable land of very low biodiversity value (despite its specific known value for arable plants), and the scheme delivers a net enhancement of the designated interest of the Langley Bottom Farm Site of Nature Conservation Importance (“the SINC”).

Positive contribution to the natural environment — policy N2(1)

8. Policy N2(1) sets out seven matters which development proposals should address in order to contribute positively to the natural environment and support nature’s recovery. Taking them in turn, the scheme accords with each.
9. **N2(1)(a) and (c) — environmental qualities and ecological networks:** the environmental qualities of the land were assessed through the Ecological Impact Assessment (“EclA”), and the scheme takes the opportunities available to strengthen ecological networks beyond the site through the retention and buffering of the ancient woodland edge, the creation of species-rich hedgerows, mixed scrub and grassland, and the establishment of a continuous cultivated arable-plant margin.
10. **N2(1)(b) — agricultural land:** the quality of the agricultural land is a matter addressed in the Appellant’s planning and agricultural evidence rather than in my own.
11. **N2(1)(d) — existing natural features:** the established trees and hedgerows on and adjoining the site are retained, and the landscape scheme is designed to integrate the development into its surroundings.
12. **N2(1)(e) and (g) — green infrastructure and long-term management:** green infrastructure and nature-based solutions are provided through bioswales and sustainable drainage, new grassland, scrub, hedgerow and tree planting, securing benefits for biodiversity, surface water and pollution management, climate change adaptation and recreation. Policy N2(1)(g) is new in requiring that such features be located and designed to minimise the risk of future failure and that appropriate measures be in place for any necessary long-term management. That requirement is already satisfied in part: management is secured through the Habitat Creation and Management Plan (“HCMP”), the landscape scheme and the 30-year management obligation in the section 106 agreement.

Further commitments to future management can be secured through appropriate planning conditions that can commit the development to an appropriate Landscape and Ecological Management Plan (LEMP).

13. **N2(1)(f) — integrated nest boxes:** this is the one genuinely new requirement of the 2026 Framework which bears on the scheme. Development proposals should incorporate integrated nest boxes, commonly known as swift bricks, into their construction “unless there are compelling technical reasons which prevent their use, or would make them ineffective”. The same sub-paragraph requires the inclusion of features supporting priority or threatened species such as swifts, bats and hedgehogs, which the scheme already provides for.
14. The application is in outline with all matters reserved except access, so the detailed specification of building-integrated features properly falls to be determined at the reserved matters stage. There is no technical reason why integrated nest boxes cannot be incorporated into a residential scheme of this kind, and I am not aware of any circumstance at this site which would render them ineffective. I therefore recommend that, if the appeal is allowed, a condition be imposed requiring the submission and approval of a scheme of integrated nest boxes and integrated bat boxes prior to the commencement of above-ground works, at a rate of not less than one integrated nest box per dwelling. Compliance with policy N2(1)(f) is accordingly capable of being secured by condition and is no impediment to the grant of permission.

Designated sites and irreplaceable habitats — policy N6

15. **Sites of international importance — N6(1)(a):** the nearest European site is the Mole Gap to Reigate Escarpment Special Area of Conservation at 3.1km. As set out at Section 7 of my Proof, no likely significant effect on any European site arises, whether alone or in combination, and no Appropriate Assessment is required. Policy N6(1)(a) is therefore not engaged, and the scheme places no reliance on the alternative route newly provided at N6(1)(a)(ii), by which effects on a habitats site may instead be addressed through an Environmental Delivery Plan and the nature restoration levy.
16. **Sites of national importance — N6(1)(b):** no Site of Special Scientific Interest is affected by the scheme. Policy N6(1)(b) is not engaged, and again no reliance is placed on the Environmental Delivery Plan route at N6(1)(b)(iii).
17. **Sites of local importance — N6(1)(c):** the SINC is a site of local importance within the meaning of policy N6(1)(c), being a non-statutory site identified in the development plan for its biodiversity value. The policy provides that development affecting such a site should only be supported if there would not be a significant adverse effect on the integrity of the site, or if the benefits of development in the location proposed clearly outweigh the likely impact on the features which make the site valuable for nature conservation.
18. The scheme does not merely avoid a significant adverse effect on the integrity of the SINC. It delivers a net enhancement of the designated arable-plant interest, through the creation in perpetuity of approximately 0.79ha of cultivated, unseeded margin managed specifically for arable plants, secured by the section 106 agreement and supported by the HCMP. The

designated interest is currently scarce on site and held under unfavourable management. The first part of policy N6(1)(c) is therefore satisfied and it is unnecessary to rely on the second. The Committee Report reached the same view of the enhancement, concluding that it was “a benefit of the proposed development to be weighted in the planning balance” (paragraph 19.20), clearly supporting a favourable consideration under policy N6(1)(c).

19. **Irreplaceable habitats — N6(2):** policy N6(2) requires refusal where development would entail the loss or deterioration of irreplaceable habitats, unless there are wholly exceptional reasons and a suitable compensation strategy exists. This policy is not engaged, as there are no on-site irreplaceable habitats and the development design incorporates an appropriate development buffer to adjacent ancient woodland habitat.
20. **Application inside or outside a designation — N6(3):** policy N6(3) confirms that the policy applies to development on land inside or outside a designated area if it would have an impact on the identified biodiversity or geodiversity value of the area concerned. That is the basis on which I have assessed both the SINC and the ancient woodland in my Proof, and my conclusions therefore remain unaffected.

Biodiversity net gain — policies N1(2) and N2(3)

21. The 2026 Framework introduces, for the first time, an express constraint on requirements for biodiversity net gain above the statutory minimum. Policy N2(3) provides that development proposals may incorporate biodiversity enhancements exceeding the statutory objective, but that this “should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations”, and that decision-makers “should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt”.
22. The effect of this change is to narrow what is required of the Appellant. The Biodiversity Impact Calculation, prepared using the statutory biodiversity metric, records an on-site baseline of 11.89 habitat units and 0.15 hedgerow units and demonstrates a net gain of 33.03% in habitat units (3.93 units) and 2745% in hedgerow units (4.06 units) in total, delivered on-site. That is materially in excess of the 10% statutory minimum, and in excess of anything which could lawfully be required under policy N2(3). Delivery remains secured through the deemed biodiversity gain condition and the Biodiversity Gain Plan, supported by the HCMP, the landscape scheme and the section 106 agreement.
23. I am not aware of any development plan policy relied upon in this appeal which seeks biodiversity gains beyond the statutory framework. If it were to be contended that Core Strategy Policy CS3 or Development Management Policy DM4 has that effect, policy N2(3) provides that no weight should be given to such a policy in the determination of this appeal. Either way, the change of national policy assists rather than undermines the Appellant’s case, and the net gain delivered by the scheme continues to be a benefit to be weighed positively in the planning balance at what I consider to be a significant benefit.

Local Nature Recovery Strategies — policy N2(1)(c)

24. The 2026 Framework gives Local Nature Recovery Strategies a more prominent role than its predecessor. Policy N2(1)(c) requires development proposals to take suitable opportunities to connect to and strengthen ecological networks extending beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans where present.
25. As explained at Section 6 of my Proof, the Surrey Local Nature Recovery Strategy was first published in March 2026, after the Biodiversity Impact Calculation had been prepared. The scheme aligns with that strategy: it accords with measures FWC2.1 and FWC2.2, which target the creation of cultivated arable margins and the recovery of rare arable plants, and it supports the recovery of broadleaved cudweed (*Filago pyramidata*), which is found locally. The raised status of Local Nature Recovery Strategies in the 2026 Framework strengthens that part of my evidence.
26. Two qualifications should be recorded. First, the statutory biodiversity metric remains the prescribed national tool and it is not open to the assessor to depart from it; the precautionary approach taken to strategic significance in the Biodiversity Impact Calculation, adopted because the Surrey strategy had not then been published, is therefore unaffected. Second, the Local Nature Recovery Strategy is not itself a decisive material consideration and creates no freestanding test which a scheme must pass. Policy N2(1)(c) requires proposals to draw on its measures, which this scheme does. The Rule 6 Party's contention that the metric is "flawed" for not valuing habitat connectivity is not advanced by the change in national policy.

Trees, hedgerows and design — policies N3 and DP3(2)(c)

27. Policy N3 consolidates national policy on trees in new development, requiring new streets to be tree-lined unless there are strong reasons why that would be inappropriate, requiring species selection and placement to be informed by suitable arboricultural advice and to be compatible with highways and other infrastructure, and requiring provision for the long-term maintenance of both existing and newly planted trees. Policy DP3(2)(c) requires development to incorporate or connect to a network of multi-functional green infrastructure which strengthens habitats and improves climate resilience, air and water quality, including by maintaining and enhancing tree cover.
28. These are matters to be addressed at a reserved matters stage, rather than in an outline application of this kind. Nothing in the scheme prevents compliance: existing trees and hedgerows are retained, and the landscape scheme already provides for tree planting, species-rich hedgerow creation, mixed scrub and bioswales, with long-term maintenance secured. I would expect the tree-lined streets requirement of policy N3(1)(a) to be addressed through the detailed layout and a condition requiring an arboricultural and landscape scheme at reserved matters.

4. CONCLUSIONS

29. Whilst the 2026 Framework changes the way my evidence must be cited, it does not change its substance. Taking the principal points in turn:
30. The mitigation hierarchy at policy N2(2) is unchanged in substance, and the threshold of significant harm is not reached by this scheme.
31. The SINC falls to be considered under policy N6(1)(c). The first part of that policy is satisfied, because the scheme delivers a net enhancement of the designated interest rather than a significant adverse effect on the integrity of the site.
32. Policy N6(2) is not engaged. No ancient woodland and no ancient or veteran tree is lost or caused to deteriorate, and the 15m buffer secures an improvement to the woodland edge.
33. The new constraints on biodiversity net gain at policies N1(2) and N2(3) narrow what may be required of the Appellant. The approximately 33.03% on-site gain in habitat units remains substantially in excess of the statutory minimum and is a benefit to be weighed positively.
34. The raised status of Local Nature Recovery Strategies at policy N2(1)(c) strengthens the SINC and arable-plant elements of my evidence.
35. One new requirement of the 2026 Framework is engaged by the scheme: the incorporation of integrated nest boxes under policy N2(1)(f). That requirement is deliverable, there being no compelling technical reason to the contrary, and I have recommended a condition to secure it at the reserved matters stage.
36. For these reasons my conclusions at Section 8 of my Proof are unchanged. It remains my professional opinion that there is no ecological reason why the appeal should not be allowed on the grounds of its ecological context, and that the scheme delivers ecological benefits which should be afforded positive weight in the planning balance considering the 2026 Framework.

5. DECLARATION AND STATEMENT OF TRUTH

37. I confirm that this Supplementary Proof of Evidence has been prepared, and is given, in accordance with the guidance and Code of Professional Conduct of the Chartered Institute of Ecology and Environmental Management.
38. I confirm that I have made clear which facts and matters referred to in this Supplementary Proof are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Supplementary Proof of Evidence (Ecology) — Land at Farm View, Langley Vale Road, Epsom

Signed: 

Paul Whitby BSc (Hons), MCIEEM, CEcol

Managing Director and Principal Ecologist, The Ecology Co-op

Date: 26th August 2026