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Ecology Statement of Common Ground

Appeal References:

PINS 6006971

LPA 26/00027/REF

Site: Farm View, Langley Vale Road, Epsom, Surrey

Proposal: Outline application for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road)

July 2026

Introduction

1. This Ecology Statement of Common Ground ("SoCG") sets out the matters agreed upon, and those that remain in dispute, between the parties concerning ecological matters arising from the above-referenced planning appeal. It relates to application: 25/00846/OUT, which was for outline consent for up to 110 new homes on land on the southern side of Epsom called Farm View, east of Langley Vale Road.
2. This SoCG has been prepared by Mr Paul Whitby on behalf of the Appellant, Fairfax Aspire Ltd.
3. Ecological advice was provided by Peter Howarth, who acts as Epsom and Ewell Borough Council's in-house ecologist. The Appellant's Ecological Impact Assessment (EclA) was prepared by The Ecology Co-op, with specialist surveys undertaken to understand the use of the site by bats, breeding birds, reptiles and arable plants.
4. The Appellant and Epsom and Ewell Borough Council (hereafter 'The Council') agree that the impact of the Appeal Scheme on all ecology matters can be appropriately managed through the imposition of suitably worded planning conditions and/or a

signed legal agreement and no reasons for refusal were cited by the Council in its Decision Notice published on the 2nd March 2026.

5. This document has been prepared to seek agreement on relevant factual and technical information in advance of the appeal hearing, in order to narrow the focus onto matters that remain in dispute. No reason for refusal *relating to ecology* was cited and the Council's own ecologist and officers supported the scheme on ecological grounds.

Matters Agreed

Ecological Surveys and Assessment

6. It is agreed that the Ecological Impact Assessment (EclA) prepared by The Ecology Co-op (June 2025) and accompanying Bat Emergence Survey Technical Advice Note (September 2025), constitutes an appropriate assessment of the likely impacts of the proposed development upon protected species and notable habitats.
7. It is agreed that the scope and methodology of all surveys undertaken at the site have adequately informed the Ecological Impact Assessment and that the conclusions within the EclA (and supporting Technical Note) are appropriate for the development proposed at the appeal site.
8. It is agreed that the mitigation set out within the EclA for all protected and notable species at the site is satisfactory, subject to the imposition of appropriate planning conditions.
9. It is agreed that a European protected species license will be required for the demolition of the single residential property at the western boundary of the site, following the identification of a common pipistrelle bat day roost. This is a low conservation status roost, the loss of which can be appropriately compensated through the development proposals, in compliance with the Habitat Regulations and this development can easily meet the three derogation tests.
10. The loss of skylark breeding territory has been acknowledged in the EclA and it has been agreed that the mitigation provided through the provision of skylark plots in retained arable habitat would outweigh this loss (paragraph 19.58 of the committee report).

Badgers

11. The presence locally of badgers and the presence of badger setts does not preclude development. It is agreed that the development site comprises largely of arable habitat of low value for badgers and within which setts do not typically establish. The appropriate consideration for badgers for this development would be ongoing monitoring in advance of construction, with appropriate further mitigation measures or sett closure licenses obtained as necessary subject to any new evidence identified.

The Bottom Farm Site of Importance for Nature Conservation (SINC) Site

12. The Council and the appellant, through dialogue during the consultation process came to agreement on appropriate compensation for impacts to the SINC site as set out in the Council's Committee Report dated 26th February 2026 (paragraphs 19.8-19.19. This report concluded that the enhancement of the SINC through the proposals detailed by the appellant would be 'a benefit of the proposed development to be weighted in the planning balance'. Officers concluded this represents an improvement on the current SINC status, enhances the nature conservation potential of the site, and complies with Policy DM4(i).

Biodiversity Net Gain

13. It is agreed that the development proposal is able to achieve a gain of 3.93 habitat units (33.03% gain) and 4.06 hedgerow units (2745.45% gain), as illustrated within the Statutory biodiversity metric that supported the planning application, subject to the production of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan.
14. It is agreed that the uplift in biodiversity value within this scheme exceeds that required by both national and local policy requirements and therefore should be considered positively in the planning balance.

Signed by The Ecology Co-op, on behalf of Fairfax Aspire Ltd

Date: 3rd August 2026

Name: Paul Whitby

Position: Managing Director / Principal Ecologist

Signature: 

Signed by [Name] on behalf of Epsom and Ewell Borough Council

Date: 3rd August 2026

Name: Christopher Whitehouse

Position: Instructed Planning Expert Witness

Signature: 