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PROOF OF EVIDENCE
ECOLOGY

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: 18th August 2026

CONTENTS

1. INTRODUCTION AND QUALIFICATIONS

Qualifications and experience

1. My name is Paul Whitby. I hold a BSc (Hons), am a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and a Chartered Ecologist (CEcol) registered through that body. I am the Managing Director and a Principal Ecologist at The Ecology Co-op ("TECO"), and I have approximately 20 years' professional experience as an ecologist working on projects for both the public and private sector.

2. I hold Natural England survey licences for bats, great crested newts and dormice, and I have extensive experience of Ecological Impact Assessment, European Protected Species licensing, Biodiversity Net Gain and Habitats Regulations Assessment across projects ranging from small residential schemes to nationally significant infrastructure. I act as a CIEEM Chartered Ecologist assessor and I have served a 3 year term on the Governing Board of CIEEM.

Involvement with the appeal scheme

3. TECO was commissioned by the Appellant, Fairfax Aspire Ltd, to undertake the ecological survey and assessment work supporting this application. The Ecological Impact Assessment ("EcIA", dated 27 June 2025) and the Biodiversity Impact Calculation ("BIC", dated 2 July 2025) were produced by TECO under my direction and review, drawing on baseline surveys undertaken across 2019 and 2024–25. I am personally familiar with the site, having undertaken the 2019 botanical assessment of the arable margins and the bat scoping assessment of the Farm View property, and I have reviewed all subsequent survey work.

4. I have authored the suite of consultation responses provided to Epsom and Ewell Borough Council ("the Council") during the determination of the application, namely my letters of 23 September 2025 (designated site / arable plants), 22 October 2025 (response to the West Surrey Badger Group), 15 December 2025 (revised arable-plant offsetting strategy) and 21 January 2026 (skylark and arable plants).

Declaration

5. The evidence which I have prepared and provide for this appeal in this Proof of Evidence is true and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions. I understand that my duty is to the Inquiry process, and that this duty overrides any obligation to the appellant. As a full member of CIEEM, I am bound by their Code of Professional Conduct.

2. SCOPE OF EVIDENCE AND MATTERS IN DISPUTE

6. This Proof addresses the ecological matters arising in the appeal. The application was reported to the Council's Planning Committee on 26 February 2026 with an officer recommendation of approval subject to conditions and a legal agreement. The Council's appointed Ecologist raised no objection to the scheme subject to appropriate conditions, and the Committee Report concluded that the proposed enhancement of the Langley Bottom

Farm Site of Nature Conservation Importance ("SINC") would be "a benefit of the proposed development to be weighted in the planning balance" (paragraph 19.20).

7. The application was refused on four grounds, none of which relate to the ecological attributes of the site. These were as follows:

    1. Unsustainable Development
    2. Inappropriate Development in the Green Belt
    3. Harm to the Landscape Character of the Area; and
    4. Impact on Horse Racing Industry.

    None of these reasons for refusal are addressed within this proof.

8. The principal ecological concerns now pursued appear in the Statement of Case of the Langley Vale Action Group ("LVAG"), the Rule 6 Party. In summary, LVAG contends that:

    (i) the development would cause unacceptable harm to protected species, in particular badgers;

    (ii) the protected species survey effort was inadequate and the ecological baseline unresolved;

    (iii) the Biodiversity Net Gain calculation is "flawed" because it does not value the site's function in habitat connectivity; and

    (iv) there would be cumulative ecological harm, including to the SINC, ancient woodland and nesting skylark.

9. My evidence addresses each of these matters in turn. It is structured as follows: the ecological baseline and adequacy of survey effort (Section 3); the assessment of effects, mitigation and compensation for each receptor (Section 4); Biodiversity Net Gain (Section 5); my response to the specific points raised by LVAG (Section 6); compliance with legislation and planning policy (Section 7); and my conclusions (Section 8).

3. THE ECOLOGICAL BASELINE AND ADEQUACY OF SURVEY

Survey effort

10. The application is supported by a full EcIA prepared in accordance with the CIEEM Guidelines for Ecological Impact Assessment (2018) (CD14.5) and CIEEM Guidelines for Ecological Report Writing (2017). The baseline was informed by a Preliminary Ecological Appraisal and Phase 1 Habitat Survey, a desk study (Surrey Biodiversity Information Centre and MAGIC), UKHab habitat survey, a detailed botanical assessment focused on the arable

plant interest, and species-specific surveys for bats, breeding birds, reptiles, badgers and an assessment of other notable species.

11. The survey effort was proportionate to the habitats present (notably comprising largely of cultivated arable land) and followed current good-practice guidance for each group: bat activity surveys comprised walked transects in April, July and September 2024 together with automated static detector deployments across three seasonal periods, analysed using the BTO Acoustic Pipeline with manual validation; the breeding bird survey comprised six visits between April and June 2024; reptile surveys comprised seven checks of 70 artificial refugia over May–June 2024; and dedicated botanical surveys were undertaken in 2019 and 2024 at the optimum season for arable plants. This is a robust assessment overtaken over a prolonged timeline that accords with the CIEEM Guidelines, and I address LVAG's contrary assertion at Section 6.

Designated sites

12. The majority of the application site lies within the Langley Bottom Farm SINC, a non-statutory locally designated site of County importance, designated for its arable plant interest (its citation referencing at least 10 Nationally Rare plant species and 7 species rare or scarce within Surrey). The nearest statutory designated sites are Ashtead Park Local Nature Reserve (1.3km), Epsom and Ashtead Commons SSSI (2.5km) and the Mole Gap to Reigate Escarpment Special Area of Conservation (SAC) and SSSI (3.1km). No European site lies within a distance, or has any impact pathway, that would give rise to a likely significant effect (see Section 7).

Habitats and arable plants

13. The majority of the site is a cultivated arable field (cereal) of low distinctiveness, with very narrow grass field margins. Two notable arable plants — field gromwell (*Lithospermum arvense*) and narrow-fruited cornsalad (*Valerianella dentata*) — are present but scattered and rare, confined to the outermost cultivated edge. A small area of semi-improved grassland with some calcareous characteristics, but of poor overall diversity, occurs at the northern boundary. Ancient semi-natural woodland (The Warren) adjoins the site to the south-east/east; it is not within the red line and is retained behind a buffer (Section 4), whilst the Farm View property and its curtilage, with managed garden space and a small triangle of dense scrub with some scrap materials lies in a small triangle of space to the south of the property.

14. The arable plants for which this SINC site is designated are what is known as 'archaeophyte' species, being introduced to the UK, but likely before 1500AD. Such plants were imported with grains harvested in Europe (and sometimes further afield) and have persisted for centuries within arable landscapes. The reason for the SINC designation to protect the arable plants in this location is due to the significant decline in many arable plants since the adoption of modern farming practices. As all arable plants are annuals that typically require cultivation to persist, their populations are easily recovered and plants can easily be translocated from seeding under appropriate management.

15. The botanical interest for which the SINC is designated is present on the appeal site only within a very narrow margin — estimated at no more than approximately 0.051ha of currently occupied cultivated edge — and is held under unfavourable management, the arable field being conventionally cropped without provision for arable plants or a significant field buffer. This is an important point of context for the assessment of effects and the proportionate compensation strategy (Sections 4 and 6).

Protected and notable species

16. **Bats:** A Preliminary Roost Assessment of the on-site dwelling (Farm View) returned "low" roost suitability, and a dusk emergence survey on 18 June 2025 identified two common pipistrelles emerging from the south-western corner of the building, confirming a low-status common pipistrelle day roost, with a second survey undertaken on the 9th July confirming the emergence of a single common pipistrelle bat. Activity surveys recorded generally low bat activity, concentrated along the eastern woodland edge, with a wider species list from the static detectors. The EcIA concludes that the site is not important to foraging and commuting bats beyond the local level. It should be noted as a clarification that the Table 4 data provided within the EcIA (pages 21-22) is correct, with the higher reference to barbastelle and myotis bat passes that contradicts the table being incorrect.

17. **Breeding birds:** Twenty-nine bird species were recorded, of which three are Red-listed (including skylark) and seven Amber-listed under Birds of Conservation Concern. One skylark breeding territory was confirmed within the arable field. The field presently supports a crop of beans, which is significantly less suitable for Skylark and it is unlikely that a territory is presently active. The breeding bird assemblage is assessed as being of local importance.

18. **Reptiles:** A low population of grass snake (four records, sub-adult and juvenile) was confirmed on the eastern field margin adjacent to housing. No other reptile species were recorded. The population is assessed as being of importance at the site level only.

19. **Badgers:** A badger latrine was identified on the eastern field margin in 2019. A repeat walkover in 2024 identified no direct evidence of badger activity and concluded it highly unlikely that any sett was situated within 30m of the site boundary. An updated assessment has now been undertaken on the 23rd June 2026, identifying two latrines and a run and push-through from a small scrub area to the rear of the Farm View property, with a single sett entrance identified from an investigation of this area. This focusses identified activity towards the north, where there is a buffer around the site boundary and an embankment along the majority of this boundary. The EcIA acknowledges that badgers are widespread in Surrey and recommends an updated survey prior to development given the mobility of the species and potential for the use of the site to change, noting that there may be a significant passage of time between approval of outline planning applications and the commencement of construction. The badger position is addressed in detail at Section 4 and Section 6 in light of the objection from the West Surrey Badger Group.

20. **Other notable species and INNS:** The adjacent woodland, scrub and hedgerows may support west European hedgehog at the site level; Roman snail is considered of negligible

likelihood owing to the absence of any evidence of their presence. No invasive non-native species were recorded.

4. ASSESSMENT OF EFFECTS, MITIGATION AND COMPENSATION

21. The assessment applies the mitigation hierarchy (avoidance, mitigation, compensation, then enhancement) in accordance with the CIEEM Guidelines (CD14.5). As this is an outline application with all matters reserved except access, the detailed delivery of much of the mitigation and compensation is secured by condition, by a Construction Environmental Management Plan (CEMP), by a Habitat Creation and Management Plan (HCMP) and by the section 106 legal agreement, with detail confirmed at the reserved matters stage when some parameters will be better understood.

Designated sites and arable plants (the principal issue)

22. Unmitigated, the development would result in a certain negative effect, significant at the local level, on the arable field margins that support field gromwell and narrow-fruited cornsalad, and hence on the part of the SINC within the site. Direct loss of the cultivated edge (approximately 0.051ha) cannot be avoided. Indirect construction-phase effects on retained adjacent SINC habitat are mitigated through a CEMP, which would include dust suppression measures, secured site barriers (to prevent any risk of encroachment) and controls to prevent pollution risks.

23. The residual loss is, however, compensated by a strategy that delivers a substantial net benefit for the very interest for which the SINC is designated. The agreed approach — as refined in my letter of 15 December 2025 in response to the Council — is the creation of a permanent cultivated, unseeded margin encircling the retained arable field to the south, approximately 987m in length at a width of no less than 8m, providing approximately 0.79ha of habitat managed specifically for arable plants in perpetuity. This compares with the approximately 0.051ha of sub-optimally managed occupied margin that would be lost — a very significant increase in the area of suitable, favourably managed habitat a little more than 15 times the size.

24. The margin would be cultivated annually but left unseeded and kept free of herbicides and fertiliser, in line with recognised arable-plant conservation practice and Defra guidance on cultivated margins (CD14.6). A detailed HCMP would set out the harvesting of local arable-plant seed (collected July–August), its storage and dispersal onto the receptor margins, and a monitoring regime; some seed propagation is proposed to insure against establishment failure. Delivery and long-term management would be secured by the section 106 legal agreement.

25. Because the current management of the arable field is not favourable for arable plants, the creation of a significantly larger area of appropriately managed habitat represents an enhancement of the nature conservation potential of the site. The proposal therefore

accords with Policy DM4(i), which permits development affecting a designated site where it would enhance the nature conservation potential of the site. The Committee Report expressly accepted this analysis (paragraphs 19.14–19.20), concluding that the proposal complies with DM4 and that the SINC enhancement is a benefit to be weighed in the planning balance.

Ancient woodland (The Warren)

26. The adjacent ancient semi-natural woodland is retained and protected by a buffer of no less than 15m, within which a graded ecotone of thorny scrub is created to deter informal access. The cessation of cultivation adjacent to the woodland edge will itself benefit the woodland by removing spray drift and fertiliser inputs and allowing an ecotone to develop. Construction-phase protection (fencing, acoustic and dust measures) is secured through the CEMP. With these measures the residual effect on the woodland is negligible. Recreational pressure from new residents is assessed as small when considered in context, given the existing well-used public access and the availability of alternative open space locally.

Bats

27. The loss of the Farm View building entails the loss of a low-status common pipistrelle day roost supporting two individuals. The development would require a European Protected Species (EPS) mitigation licence from Natural England. I am satisfied that the three derogation tests can be met: the scheme serves an imperative reason of overriding public interest of a social and economic nature (housing delivery, including affordable housing); there is no satisfactory alternative to demolition of the building; and, with mitigation, the favourable conservation status of common pipistrelle — a widespread, Least Concern species — would be maintained.

28. Effects on foraging and commuting bats are not significant beyond the local level. Lighting will be controlled in accordance with the Bat Conservation Trust / Institute of Lighting Professionals guidance (Appendix 5 of the EcIA), retaining dark commuting corridors. The scheme provides no fewer than 50 integrated bat boxes of at least three designs, materially increasing local roosting resource, and replaces arable land with a mosaic of grassland, scrub and gardens of greater foraging value for bats. The net effect on bats is therefore positive.

Breeding birds and skylark

29. The development results in the loss of one skylark breeding territory through loss of arable habitat. Skylark is Red-listed and declining, but arable habitat suitable for the species is not uncommon in the local area and the effect from the loss of one territory is not significant beyond the local level. Construction would be timed to avoid the nesting season or would proceed following a precautionary nesting-deterrence and check protocol. Compensation is provided through the provision of a skylark plot within the retained arable field to the south; in addition, the large area of unsprayed, unfertilised cultivated margin created for arable plants will provide valuable foraging habitat for skylark, a point I made in my letter of 21 January 2026. The Committee Report (paragraph 19.58) accepted that the skylark plot mitigation would sufficiently outweigh the loss of breeding habitat.

Reptiles

30. The low, localised grass snake population is subject to precautionary mitigation set out in a method statement (sensitive habitat manipulation, hand-searching, and timing of hibernacula removal outside the November–mid-March hibernation period). With these measures the residual risk is negligible, noting the majority of the site comprises of arable habitat that is unsuitable for reptiles, and the landscape scheme creates new habitat of value to reptiles. The effect is not significant beyond the site level.

Badgers

31. Badgers and their setts are protected under the Protection of Badgers Act 1992. The EcIA identified activity (a 2019 latrine) but no direct evidence in 2024 and no sett within all accessible areas within 30m of the boundary (note this does not include residential curtilages). The majority of the site is cultivated arable land which is of very low suitability for sett establishment — indeed annual cultivation is itself hostile to sett creation — and construction would take place almost entirely within this cultivated footprint, with buffers to the residential and woodland edges.

32. The West Surrey Badger Group ("WSBG") has objected on the basis of survey work reporting badger activity and setts associated with the site. I responded to that objection on 22 October 2025. My position, which I maintain, is that badger activity locally is not in doubt, that latrines are commonly used for territorial marking at the edge of a clan's range rather than necessarily indicating an adjacent sett. An updated badger survey prior to a Reserved Matters application and again immediately prior to commencement is the appropriate and proportionate response given the mobility of the species and the time that will elapse before any reserved matters approval.

33. An updated assessment has however been undertaken to inform this appeal hearing, to supersede the previous assessment from 2024, given the passage of time. These findings are provided as a letter of report at Appendix 1 to this Proof. This identified a single sett entrance within an area of very dense cover to the rear of the Farm View property, with two badger runs leading directly south and west from this sett location. This sett is situated close to the proposed access road, but at a higher profile and with the sett leading northwards, meaning that the need to close it to enable the development is uncertain and will be subject to detailed plotting of the access route.

34. Importantly, the badger position does not constrain the principle of development. Badgers are not a European Protected Species and are common and widespread, particularly in suburban environments (CD14.4); where a sett is present, lawful provision exists under the Protection of Badgers Act 1992 for sett closure under licence from Natural England (outside the closed season of approximately December to June), subject to conditions (CD14.3). The Committee Report (paragraph 7.13 of the LVAG Statement of Case; and the Council's own report) accepted that further badger monitoring would be secured by condition prior to commencement. An updated pre-commencement survey, secured by condition, is a well-established and adequate mechanism to establish the up-to-date baseline and to ensure full legal compliance, and is entirely consistent with the outline nature of the application.

Other notable species, INNS and cumulative effects

35. Sensitive habitat clearance (hand tools along boundaries) protects hedgehog, and the landscape scheme provides foraging and connectivity opportunities (including hedgehog-permeable boundaries). No INNS mitigation is required. The cumulative assessment identified no significant in-combination effects with other relevant schemes.

5. BIODIVERSITY NET GAIN

36. Mandatory Biodiversity Net Gain under the Environment Act 2021 applies to this application. The BIC, prepared using the statutory biodiversity metric, records an on-site baseline of 11.89 habitat units and 0.15 hedgerow units, and demonstrates that the scheme delivers a net gain of approximately 33.03% in habitat units (3.93 units) and approximately 2,745% in hedgerow units, comfortably exceeding the 10% mandatory minimum, owing to the very low biodiversity value of the arable habitat that is to be developed. The trading rules of the metric are satisfied, and the gain is delivered on-site through the creation of other neutral and calcareous grassland, mixed scrub, bioswales, trees and species-rich hedgerows in place of arable land.

37. The very high hedgerow percentage arises from a low pre-development hedgerow baseline (0.15 hedgerow units); it is mathematically correct but should be considered against the actual number of hedgerow units delivered – 4.06 in total. The substantive point is that the scheme delivers a measurable, secured net gain on-site, consistent with NPPF policy and Policy DM4, and the Committee Report accepted that the BNG exceeds requirements.

38. Delivery is secured through the deemed biodiversity gain condition and a Biodiversity Gain Plan, supported by the HCMP and the landscape scheme, with the arable-plant margin and 30-year management secured by the section 106 agreement. I address LVAG's "flawed metric" contention at Section 6.

6. RESPONSE TO THE RULE 6 PARTY (LVAG) ECOLOGICAL CASE

39. I respond below to the ecological matters raised in the LVAG Statement of Case.

40. **Adequacy of survey (LVAG 7.4–7.6):** LVAG's assertion that "no adequate survey was undertaken for protected species" is not accepted. As summarised at Section 3, the site was subject to a multi-season, multi-taxon survey programme following current best-practice guidance for each group, informing a CIEEM-compliant EcIA. The Council's own Ecologist raised no objection to the adequacy of the survey effort and recommended approval subject to condition. The contention is a general assertion unsupported by reference to any specific methodological deficiency.

41. **Badgers (LVAG 7.7–7.15):** This is the matter on which LVAG advances the most specific evidence, and I address it at Section 4 (paragraphs 31-34). In short: badger activity locally is acknowledged and was never disputed; the appropriate response to the mobility of the species and the elapse of time before any reserved matters approval is an updated

pre-commencement survey secured by condition, which the Council accepted; and, badgers not being a European Protected Species, the presence of a sett would not prevent development but would be managed through licensed sett closure under the Protection of Badgers Act 1992 where necessary. The matter is capable of full resolution within the outline consent framework.

42. As explained at paragraph 33 above, an updated assessment has now been completed further to the assessment in 2024, identifying a single badger sett entrance within the site boundary. A detailed assessment of the access road and its construction requirements would conclude if this sett would need to be closed, or may reasonably and safely be retained.

43. **"Flawed" BNG metric / connectivity (LVAG 7.3):** LVAG contends the BIC is flawed because it does not value the site's habitat-connectivity function. The statutory biodiversity metric is the prescribed national tool; it is not open to the assessor to depart from it and the supporting guidance must be followed. Connectivity and location are reflected within the metric through the strategic significance multiplier. At the time the Statutory Biodiversity Metric was produced, Surrey had not released its Local Nature Recovery Strategy (LNRS), first published in March 2026. As a precautionary measure the Metric produced for this site adopted medium significance for habitats of at least moderate distinctiveness value and applied only low significance to all habitats created. Of note, the application proposals would align with the strategy to recover populations of broadleaved cudweed (*Filago pyramidata*), found locally, but not on the application site and is further aligned with code's FWC2.1 and FWC2.2 targeting the creation of cultivated arable margins and the recovery of rare arable plants.

44. The scheme retains and enhances the connective features in question — the woodland is retained behind a 15m buffer, hedgerows and scrub are created, and a continuous arable-plant margin is established — such that functional connectivity is maintained and improved. LVAG advances no metric-based critique and does not engage with the unit figures.

45. **Skylark (LVAG 7.16):** The loss of one skylark territory is acknowledged and compensated as set out at paragraph 29; the Committee accepted the mitigation as sufficient (Committee Report 19.58). LVAG does not engage with the foraging benefit of the unsprayed cultivated margins or compensation measures proposed.

46. **SINC, ancient woodland and cumulative harm (LVAG 7.1–7.2, 7.16):** The connectivity and cumulative-harm narrative is addressed at paragraphs 34 and 43-44. The scheme delivers a net enhancement of the SINC's designated interest in alignment with the LNRS, retains and buffers the ancient woodland, and secures measurable on-site net gain; the residual cumulative effects are not significant.

7. LEGISLATION AND PLANNING POLICY

47. **Habitats Regulations:** The nearest European site is the Mole Gap to Reigate Escarpment SAC at 3.1km. No likely significant effect on any European site arises from the development, whether alone or in combination, and no Appropriate Assessment is required.

48. **Protected species legislation:** The scheme is deliverable in compliance with the Conservation of Habitats and Species Regulations 2017 (bats, via an EPS licence satisfying the three derogation tests), the Wildlife and Countryside Act 1981 (nesting birds and reptiles, via timing and precautionary measures) and the Protection of Badgers Act 1992 (via updated survey and, if required, licensed sett works).

49. **Development plan and national policy:** The proposal accords with Epsom and Ewell Borough Council Core Strategy Policy CS3 and Development Management Policy DM4(i), in that it enhances the nature conservation potential of the SINC, and with the biodiversity policies of the National Planning Policy Framework, including the requirement to minimise impacts and secure measurable net gains for biodiversity. The mandatory net gain requirement of the Environment Act 2021 is met and exceeded.

50. **Ecological contribution to the planning balance:** Properly assessed, the ecological effects of the scheme are either not significant or are capable of being mitigated, and the scheme delivers positive benefits: a substantial enhancement of the SINC's arable-plant interest secured in perpetuity as agreed with the local authority; measurable on-site biodiversity net gain well in excess of the statutory minimum; the protection and improvement of the adjacent ancient woodland edge; and a net increase in roosting resource for bats. These are benefits to be weighed positively in the planning balance, consistent with the Committee Report.

8. CONCLUSIONS

51. The appeal site is an intensively cultivated arable field within a SINC designated for arable plants that are currently scarce on site and held under unfavourable management. The ecological survey and assessment underpinning the application are robust and CIEEM-compliant, and the Council's own Ecologist raised no objection subject to the provision of appropriate conditions.

52. With the mitigation and compensation proposed — a CEMP; an EPS licence and roost mitigation for bats; nesting-season protection and a skylark plot; precautionary reptile measures; an updated pre-commencement badger survey (and if required a sett closure license); a 15m ancient woodland buffer; and the creation in perpetuity of approximately 0.79ha of cultivated, unseeded margin managed specifically for arable plants — there is no residual significant ecological harm. On the contrary, the scheme enhances the nature conservation potential of the SINC and delivers measurable biodiversity net gain well in excess of the statutory 10%.

53. The ecological objections advanced by the Rule 6 Party do not, in my professional opinion, withstand scrutiny: the survey effort was adequate; the badger position is fully capable of resolution within the outline framework and does not constrain the principle of development; and the BNG metric is the prescribed tool, correctly applied, with connectivity retained and

enhanced. The ecological matters weigh in favour of the appeal, consistent with the conclusions of the Council's Committee Report.

54. For these reasons it is my professional opinion that there is no ecological reason why the appeal should not be allowed, and that the scheme delivers ecological benefits that should be afforded positive weight in the planning balance.

9. DECLARATION AND STATEMENT OF TRUTH

55. I confirm that this 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.

56. I confirm that I have made clear which facts and matters referred to in this 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.

Signed:  .....

Paul Whitby BSc (Hons), MCIEEM, CEcol

Managing Director and Principal Ecologist, The Ecology Co-op

Date: 22nd July 2026

Appendix 1 – Badger letter of report

The Ecology Co-op
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7th August 2026

Ref: Land at Farm View - Updated Badger survey letter of report

To whom it may concern,

An updated assessment was undertaken at the Farm View site, further to a previous badger survey assessment of this site in 2024.

Badgers are a very mobile species and may establish new setts at any time of the year, whilst the use of some setts may change over time, with some outlier setts potentially remaining vacant for months or even years before being occupied again. This means that ongoing monitoring and re-survey of sites is key to understanding the use of a site by badgers, where they are known to be active and where suitable habitat is present.

This re-assessment of the site was undertaken on the 23rd June 2026 and included a walked assessment of the northern boundary of the site and all accessible areas directly adjacent to the site boundary. Particular focus was made of the woodland at the southeastern boundary, the eastern boundary and an area of very dense scrub to the rear of the Farm View property.

Figure 1 below presents a map of field signs that were investigated, with corresponding photograph evidence provided for each feature.

Figure 1. All potential field signs recorded on or adjacent to the site.

Figure 2. A cropped view of field signs to the rear of the Field View property. A confirmed outlier sett location is at TQ2064457806.

Results

No direct evidence of badger activity was identified within or directly adjacent to the woodland at the southeastern boundary of the site, though some mammal digging and evidence of worn paths were observed. Features noted are provided in photographs 1-3 below.

Photographs 1 & 2. Partial excavations recorded at TQ2100757483 and TQ2098657527.

Photograph 3. A small rabbit burrow at TQ2106457451.

Badger activity was directly observed bordering the eastern boundary of the site as illustrated in photographs 4 and 5 below, with a latrine just inside the field boundary and a likely push-through under a garden fence panel. A search along this boundary identified no potential badger setts.

Photographs 4 & 5. A badger latrine at TQ2084057622 and a likely badger push-through under a garden fance panel at TQ2092257606

A search around the northeastern boundary of the site and an overgrown area of scrub habitat to the rear of the farm view property identified a partial mammal excavation under a sheet of discarded chrysotile sheeting, though this led to a very small space that would be insufficient for badgers. A badger push-through was however identified into the scrub habitat to the rear of the Farm View property. Whilst access into this area was challenging, it was possible to explore this area, which includes some scrap materials. A single badger sett entrance was identified within this location that linked to a nearby badger run and a latrine was also identified just inside the field margin in this location.

Photographs 6-8. A badger push through under a stock fence, with a guard hair found at TQ2065457800 and an excavation under a chrysotile sheet that that does not extend beyond around 40cm at TQ2067657805.

Photographs 9-11. An area of very dense scrub to the rear of the Field View property, a confirmed active single sett entrance identified within this location at TQ2064457806 and a nearby second latrine found at TQ2067657808.

The identification of an active badger outlier sett to the rear of the Farm View property indicates a new constraint to the development. In its present location, it may be possible that this sett could be retained, subject to more detailed analysis of the construction process required for the access road and any necessary profiling. The direction the sett has been excavated is away from the field margin (leading northwards), which is favourable to its potential retention and the sett location relative to the access road has been plotted on Figure 3 for reference.

Figure 3. The outlier sett location identified with a red star, plotted onto the site access drawing.

The detailed design can consider opportunities for badger crossings, appropriate warning signs, traffic calming measures and other appropriate mitigation necessary to reduce traffic collision risks, whilst the Construction Environmental Management Plan (CEMP) will detail construction phase measures that will ensure welfare for badgers.

I the outlier sett must be closed for badger welfare reasons, a sett closure license can be easily obtained from Natural England based on the development needs, with the window for this sitting between July and November (inclusive). Outlier setts hold the lowest conservation significance for badgers and there would be no requirement under the sett closure license to create a replacement artificial sett.

Please do not hesitate to contact me with any queries about these findings.

Kind regards,

Paul Whitby

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