

JDB

**SUPPLEMENTARY STATEMENT OF COMMON AND UNCOMMON GROUND  
TREES, ANCIENT WOODLAND & BIODIVERSITY**

1. This Supplementary Statement of Common and Uncommon Ground (SoCUG) has been prepared by Lichfields, acting on behalf of CALA Homes (South Home Counties) Ltd ("the Appellant") and Tandridge District Council (the "Council" or "LPA") in relation to the site at Land at Chichele Road, Oxted, Tandridge, RH8 0NZ ("the site").

This SoCUG sets out the current position between the Appellant and the LPA with respect to protected trees, ancient woodland and biodiversity.

### **MATTERS AGREED**

#### ***Trees:***

2. Ground of Refusal 6 of the LPA's decision notice for application TA/2023/1345 stated:

*"Due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas, the application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape. As such, the proposal is contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Core Strategy policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document."*

The Appellant has now submitted a revised scheme layout in Drawing CB\_36\_313\_001 Planning Layout REV E which addresses the matters raised in the Ground of Refusal. The LPA is satisfied that any outstanding matters relating to root protection areas, and the potential for post development pressure on retained trees can be addressed in planning conditions if the appeal is allowed. The LPA will not be presenting evidence on Ground of Refusal 6 at the forthcoming public inquiry.

#### ***Ancient Woodland:***

3. The original, unacceptable, proposal to enable public access into the ancient woodland has now been withdrawn by the Appellant. Furthermore, that the development layout in the northwest of the site has been revisited in the revised scheme layout in Drawing CB\_36\_313\_001 Planning Layout REV E prepared by the Appellant. The original proposal in this location would have seen construction operations within the ancient woodland buffer zone, with no maintenance space provision between the buffer and one of the dwellings. This, too, would have been a contestable matter but has now been resolved.

#### ***Biodiversity:***

4. Paragraph 5.13 of the submitted overarching SoCG confirms the Council's position with respect to ecological surveys of the site.

### **MATTERS UNDER CONSIDERATION**

#### ***Trees:***

5. None subject to agreement on suitably worded planning conditions to safeguard root protection zones of on-site and off-site trees.

***Ancient Woodland:***

6. The Appellant and the LPA agree that this matter can be adequately covered in a pre-commencement condition, requiring the submission and implementation of a detailed Ancient Woodland Management Plan (AWMP) and management operations. The LPA's ancient woodland consultant has prepared a Heads of Terms document (Appendix 1 attached) setting out a framework for the management in perpetuity of the ancient woodland. The Appellant agrees with the proposed Heads of Terms document (Appendix 1), subject to a caveat that if and where the requirements of the Forestry Commission for the granting of a Felling Licence to implement the AWMP require amendments to the Heads of Terms, then those amendments will be accepted by the LPA. The LPA accept the Appellant's caveat subject to the proviso that this will not prevent the Forestry Commission using their powers under s15(1)(b) of the Forestry Act to refer the Felling Licence to the LPA for its consideration and determination.

***Biodiversity:***

7. The LPA agree that biodiversity matters on-site can be addressed by planning conditions.
8. The Appellant has provided to the LPA information on the biodiversity baseline of the site and a Statutory Biodiversity Metric.
9. For clarity on the above matters, the Appellant confirms that it cannot achieve 10% BNG on-site and would accept a pre-commencement condition that requires the submission and implementation of a Biodiversity Net Gain Plan to deliver an overall 10% BNG off-site. The LPA considers that such a condition can and should be imposed.

**MATTERS NOT AGREED**

10. The LPA's ecology advisor has identified that Chalk Pit Wood SNCI is located a short distance to the north of the appeal site. It is classified as Ancient Woodland and supports sensitive woodland ground flora species. It can be accessed via FP75 that runs directly past the SNCI although access is, in places, blocked by barbed wire fencing.
11. The Appellant is proposing a footpath link to the edge of the appeal site that might then provide direct access to FP75. The LPA is concerned that deterioration of the Chalk Pit Wood SNCI and Ancient Woodland could arise through increased footfall into the SNCI site from the appeal development. While this has not been raised as an objection to the appeal development previously, the LPA's view is that any footpath link within the appeal site that facilitates access to FP75 should not be provided.

Signed on behalf of Cala Homes:



Date: 24.9.24.

Signed on behalf of Tandridge District Council:



Date: 24.9.24

**APPENDIX 1**  
**HEADS OF TERMS FOR**  
**ANCIENT WOODLAND**  
**MANAGEMENT PLAN**

ANCIENT WOODLAND NATURAL ENGLAND POLYGON ID REF. 1493952,  
CENTROID GRID REF. TQ39405357

*In relation to Tandridge District Council planning application ref. TA/2023/1345,  
As appealed under PINS ref. 3345915 –*

**Document ref. SYL/44-1024\_020924**  
**Heads of Terms for Ancient Woodland Management**

***General principles***

1. These Heads of Terms are intended to inform a detailed Woodland Management Plan, to be prepared and submitted for agreement to the local authority
2. It is assumed that woodland management operations shall be implemented by competent persons with due regard for protected species and legislation controlling tree work
3. If invasive species are identified during the implementation of the detailed management plan, their presence shall be notified to the local authority or forestry commission, and the plan adjusted to provide for their expeditious control
4. There shall be no public access permitted into the woodland, with access restricted to that which is necessary for survey and management operations
5. The woodland and its development-facing buffer zone shall be enclosed by fencing sufficient to prevent casual access by the public, whilst allowing the passage of wildlife. The nature of the fencing shall be set out in the detailed management plan
6. The fencing shall be maintained in good order, and replaced where required to ensure continuity of effective enclosure
7. All management operations shall be undertaken with due regard for the fragile nature of the irreplaceable habitat concerned
8. No mechanised felling or timber extraction are permitted (other than by exterior crane)
9. 'Soft fell' techniques shall be employed for all trees exceeding 300mm stem diameter
10. Arisings from tree work operations shall be removed from the woodland except up to a third of each stem shall be retained in 1m lengths in stable, compact habitat piles
11. In these Heads of Terms, the phrase *principal management operations* shall be taken to mean felling of a tree exceeding 300mm stem diameter, or felling of more than 10 trees exceeding 150mm stem diameter
12. A woodland management operations method statement shall be prepared and agreed in writing by the local authority prior to each phase of principal management operations
13. Prior to the implementation of other elements of these Heads of Terms, the woodland shall be subject to a Level 2 walkover botanical survey to record ancient woodland vascular plant (AWVP) ground flora consistent with the list of such plants for Surrey. The survey shall comprise two visits at least four weeks apart during the spring (March to May inclusive)

14. The locations of the AWVP flora shall be mapped
15. The woodland ground flora map shall be used to inform each woodland management operations method statement
16. Significant aggregations of bramble shall also be mapped to inform their control
17. Prior to the implementation of other elements of these Heads of Terms, except the woodland ground flora and bramble surveys, a veteran tree survey shall be undertaken by a competent person
18. Trees shall be identified as veteran trees where they meet the criteria for this descriptor set out in the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
19. The locations of the veteran trees shall be mapped
20. The veteran tree map shall be used to inform woodland management operations method statements, which shall include measures for their physical protection during the operations

#### ***Initial management operations (years 1-15)***

21. Areas of significant bramble aggregation throughout the woodland shall be subject to flail mowing annually in October in years 1, 2 and 3, then triennially thereafter where required to prevent dominance. The mowing plant shall not exceed 1.5T in weight and shall be used by trained operatives. It shall not come into contact with any tree
22. Trees other than veteran trees suffering from ash dieback shall be removed. This work shall be implemented in three phases, in years 1, 5 and 9. The work phase areas are shown illustratively on Figure 1 (below)
23. Veteran trees suffering from ash dieback shall be assessed on an individual basis by a competent person, who shall recommend such works as they consider suitable. These works shall be specified in the detailed management plan
24. During each phase of ash dieback removal, coppiced trees shall be recoppiced except where the current regrowth exceeds 100mm diameter. In such cases, 1 in 3 of the regrowing leaders shall be retained as sap risers

#### ***Restocking***

25. Three years after each phase of ash dieback removals (i.e. in years 4, 8 and 12) an assessment shall be made of the nature and extent of natural regeneration in the phase area concerned. The findings of the assessment shall be shared with the local authority
26. The assessment shall determine the need for restocking. Where required, restocking shall be implemented in consultation with the Forestry Commission
27. Notwithstanding the assessment, new planting shall be undertaken in any event, in each phase area, the year after the related phase of ash dieback removal. The new planting shall comprise 5no. pedunculate oak and 50no. hazel
28. The oaks shall be planted opportunistically. The hazels shall be planted in groups of 10, with each group associated with one of the pedunculate oaks
29. The size of the new trees at planting, together with the means of their protection from browsing damage, shall be specified in the detailed management plan

30. Planting and aftercare arrangements shall be put in hand in accordance with sound forestry practice. These arrangements shall be specified in the detailed management plan

### **Monitoring**

31. The outcome of the detailed woodland management plan shall be subject to monitoring. The findings of the monitoring shall be shared with the local authority, and used to inform the management plan both during and beyond the first 15 years of its operation
32. A management plan for beyond year 15 shall be prepared and submitted for agreement to the local authority

*Figure 1 – Illustrative ash dieback removal phase areas (shown by the purple polygons)*

