

Rebuttal to Comments Made by Jackie Wren to the Heads of Terms for the Ancient Woodland Management Plan.

Mark Carter 1st October 2024

In this document the comments made by Jackie Wren are reproduced in italic, and my rebuttal comments follow as bullet points.

1. As explained in my evidence, I do not believe access to the Ancient Woodland or the buffer zone can be restricted. It will be impossible to prevent people climbing fences or breaking down hedges. It will also be impossible to maintain a buffer zone that meets the guidance requirements. Heads of terms 4 and 5 are unenforceable.

- The above logic is based on the assertion that no fences are capable of preventing pedestrian access to a given area. This is not the case as fences are used in vast numbers across the UK to provide effective barriers to pedestrian access. In fact, on this very site there is a green mesh fence dividing the site from the neighbouring school grounds and this is clearly functioning as an effective barrier to pedestrian access. Therefore, the assertion on which this comment is based is groundless.
- The appellant has made it clear that the design of the fence to be used around the edge of the ancient woodland buffer zone will require the prior approval of Tandridge District Council, and this will ensure the efficacy of the fence as an effective barrier to pedestrians.
- It will be the responsibility of the site management company to ensure the maintenance of the buffer zone and its fence. The structure and operation of the management company for the site is a matter for discussion and agreement with Tandridge District Council, and this will ensure the longevity and efficacy of the management company.
- The principle of using a fence to prevent pedestrian access is well established, and as the design of the proposed buffer zone fence will need to be approved by Tandridge District Council there is no reason to believe that this fence will not effectively prevent pedestrian access. The site

management company will ensure the fence is maintained in a fit for purpose condition into the future. Therefore, heads of terms nos. 4 and 5 and clearly enforceable.

The landowners made numerous complaints about people accessing the land after it was fenced off with hoardings and barbed wire in 2013. There is no reason to think that there will not be similar incursions into the Ancient Woodland.

- The appellant has made it clear that the design of the fence to be used around the edge of the ancient woodland buffer zone will require the prior approval of Tandridge District Council, and this will ensure the efficacy of the fence as an effective barrier to pedestrians.
- The fact that fences and barriers erected by the previous landowner have failed to prevent the illegal trespass of local residents across the site has no bearing on the efficacy of the fence as an effective barrier to pedestrians as this fence will be properly designed, erected and maintained.

Domestic pets will get into the woodland causing harm and destruction of wildlife.

General principle 5 states the fencing will allow “the passage of wildlife”, but does not clarify how it will prevent the passage of cats.

- The passage of wildlife through the fence will be achieved by leaving a requisite gap between the bottom of the mesh and the ground.
- The fence is not intended to prevent the passage of cats as it would be pointless to make it so. Domestic cats can roam up to three kilometres from their home (<https://www.dailymail.co.uk/news/article-3600637/Cat-tracking-program-shocks-owners-learn-pets-wander-far-three-kilometres-homes.html>), therefore the ancient woodland is already within cat roaming range of a large number of domestic dwellings and the proposed development will not create a new cat predation pressure on the ancient woodland.

In addition, pesticides used by residents of the proposed development will inevitably affect the Ancient Woodland.

- As is stated in the Arboricultural Proof of Evidence at section 4.1, the existing site has clearly been subjected to the application of fertilisers and herbicides

in the past right up to the edge of the existing woodland. The proposed creation of a 15 metre wide buffer zone around the ancient woodland will ensure that any future pesticide applications on the site after development will take place further away from the ancient woodland than is currently the case.

- As is stated in the Arboricultural Proof of Evidence at section 4.2.2, the historic application of fertilisers and herbicides to the site has already had a detrimental impact on the field layer in the ancient woodland. The proposed creation of a 15 metre wide buffer zone around the ancient woodland will significantly reduce and probably eliminate this detrimental impact.
- Therefore, the proposed development will significantly reduce and probably eliminate the detrimental impact of pesticides on the ancient woodland when compared to the current context of the site.

2. The Heads of Terms do not identify the person who will be responsible for implementing the management and monitoring commitments, which are onerous and will need to be complied with in perpetuity. If it is a management company, the Appellant has failed to explain how this will be funded and what safeguards will be put in place to ensure there is not a repeat of what has happened at a neighbouring site where the management company charged high fees and then disappeared leaving residents to do what they can. This area of woodland has now gone to rack and ruin.

- The structure and operation of the site management company for the site is a matter for discussion and agreement with Tandridge District Council, and this will ensure the longevity and efficacy of the site management company.
- The failings of other local site management companies do not have a bearing on the longevity and efficacy of this site management company.

3. There is nothing in the Heads of Terms which would stop residents of the proposed development flytipping over the fences/hedges into the woodland as happens elsewhere. The appellant has provided evidence of this at the Chalkpit Wood SNCI: see CD11.8, paragraphs 4.2.7- 4.2.8.

- As is stated in the Arboricultural Proof of Evidence at section 5.2.1.3.4.3, the proposed development layout has set the domestic dwellings and their

gardens even further back from the ancient woodland than 15 metres buffer zone, and a clear area of amenity grass is maintained between the buffer zone and the domestic dwellings and their gardens. Therefore, there is no direct opportunity for future residents to fly tip over the fences surrounding their gardens and into the buffer zone.

- Any fly tipping that does occur will be detected and removed by the site management company.

4. The appellant has stated that to achieve the necessary reduction in light pollution, there will be “dark corridors”. These will be a magnet for anti-social behaviour and drug dealing which is already a considerable problem in this part of Oxted. There is nothing in the Heads of Terms which would address this.

- The Constabulary has provided comment on the proposed development, and they have raised no such concerns. Therefore, this comment is no more than the opinion of a member of the public.