

FORMAL PLANNING OBJECTION

Application Ref: 2025/1376 – Land North of Borers Arms Road (Copthorne Meadows)

Submitted to: Tandridge District Council

Planning Portal Biodiversity Reference: PP-14501171

Previous Application: 2019/548 / 2019/548/EIA

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EXECUTIVE SUMMARY

This objection is submitted on detailed policy, statutory and evidential grounds. The proposed development fails to satisfy the requirements of the National Planning Policy Framework (NPPF 2024), Tandridge Local Plan policies (including DP10, DP19 and CSP1), the Environment Act 2021 biodiversity net gain regime, and statutory species protection legislation.

The cumulative impacts of Green Belt harm, SNCI loss, protected species risk, baseline inaccuracy, flood risk and transport unsustainability significantly and demonstrably outweigh any asserted benefits when assessed under NPPF paragraph 11(d).

1. GREEN BELT – POLICY FAILURE (NPPF PARAGRAPHS 142–153; POLICY DP10)

The site remains designated Green Belt. Under NPPF paragraph 142, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics are openness and permanence.

NPPF paragraph 153 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt.

The proposed development of up to 260 dwellings across approximately 13 hectares represents:

- Definitional Green Belt harm.
- Substantial spatial loss of openness.
- Visual encroachment into countryside.
- Permanent urbanisation of currently undeveloped land.
- Conflict with Green Belt purpose (c): safeguarding the countryside from encroachment.

The site comprises Subgrade 3a agricultural land (Best and Most Versatile). National policy requires that poorer quality land be used in preference. The permanent loss of 13 hectares of BMV land is significant and irreversible.

The applicant's reliance on 'Grey Belt' provisions does not displace the requirement to demonstrate that development would not fundamentally undermine Green Belt purposes. This is not previously developed land. It is open countryside forming part of a wider Green Belt parcel.

No very special circumstances have been demonstrated that clearly outweigh this harm, as required by NPPF paragraph 153.

2. SNCI IMPACT AND BIODIVERSITY POLICY FAILURE (POLICY DP19; NPPF 180–193)

Copthorne Meadows is designated as a Site of Nature Conservation Importance (SNCI). Policy DP19 requires refusal where development would result in significant harm to local sites of biodiversity importance unless strict tests are met.

The site supports 53 grassland indicator species, Meadow Thistle (Surrey Scarce), Marsh Pennywort, Heath Grass, Multiple sedge species, Orchid species, Dormice, Bats, Badgers, Reptiles, Breeding birds. The Surrey Important Grasslands Inventory (2026) emphasises that species-rich grasslands, such as Copthorne Meadows, are among the most threatened habitats in Britain and should be protected through planning policy.

NPPF paragraph 180 requires planning decisions to contribute to and enhance the natural environment. NPPF paragraph 193(a) states that planning permission should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated.

The proposal would result in permanent loss and fragmentation of species-rich grassland and associated ecological corridors. This habitat exhibits characteristics consistent with Section 41 Priority Habitat under the Natural Environment and Rural Communities (NERC) Act 2006.

The mitigation hierarchy (avoid–mitigate–compensate) has not been robustly demonstrated. The scale of habitat loss is structural and cannot be adequately offset by landscaping or off-site units.

3. BIODIVERSITY NET GAIN – ENVIRONMENT ACT 2021 (SCHEDULE 7A TCPA 1990)

The Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990 require a minimum 10% Biodiversity Net Gain. The statutory Biodiversity Gain Hierarchy prioritises on-site avoidance and enhancement. Instead, the proposal relies on off-site “habitat units”, restoration of land already within the SNCI (which does not constitute additionality). The

ecological evidence acknowledges that “It is not possible to mitigate for the direct loss of grassland habitat.”

Where the baseline condition is inaccurate or artificially reduced, the statutory metric outcome is unreliable. Any distortion of baseline habitat condition undermines compliance with Schedule 7A and risks unlawful determination.

4. BASELINE INTEGRITY AND DECLARATION ACCURACY (PP-14501171)

The Planning Portal biodiversity section (PP-14501171) records a 'No' response to the question of whether habitat loss or degradation occurred after 30 January 2020.

There is credible evidence of repeated flail cutting, ancient woodland burning and vegetation clearance during this period. If habitat condition has been materially altered post-2020, the ecological baseline and BNG calculations are unreliable and may constitute deliberate habitat degradation prior to application.

Decision-makers must not rely on materially inaccurate information. A failure to properly investigate this issue would expose the decision to challenge on grounds of irrationality, failure to take relevant considerations into account, and procedural unfairness.

5. PROTECTED SPECIES – BADGERS (PROTECTION OF BADGERS ACT 1992)

Badgers are protected under the Protection of Badgers Act 1992. It is a criminal offence to damage, destroy or obstruct access to a badger sett, or to disturb a badger while occupying a sett.

The site is known locally to support active badger setts. Access formation, earthworks, drainage, lighting and construction disturbance present clear risks of direct and indirect disturbance.

Tandridge’s own earlier ecological assessment for this site (DOM013) explicitly identified badgers as a species requiring survey and assessment to inform planning and design, alongside bats, dormice and breeding birds

Under established case law (including the principle in *Morge v Hampshire CC*), a planning authority must be satisfied that a development is capable of being carried out lawfully before granting permission. It is insufficient to defer fundamental protected species matters where credible evidence of presence exists.

6. FLOOD RISK AND DRAINAGE (NPPF PARAGRAPHS 181–182)

NPPF paragraph 181 requires that flood risk is not increased elsewhere. Evidence indicates seasonal waterlogging and surface water flow affecting adjacent properties.

Infiltration drainage feasibility (test pits reportedly filled with water, documented in the applicant's submission) has been questioned and no robust alternative drainage solution is presented. Increased impermeable area across 13 hectares will materially increase runoff risk.

Absent robust, deliverable and demonstrated drainage solutions, the proposal conflicts with NPPF flood risk policy.

7. HIGHWAY SAFETY AND SUSTAINABILITY (NPPF PARAGRAPHS 110–116; POLICY CSP1)

The development would generate substantial additional traffic on constrained rural roads. NPPF paragraph 110 requires safe and suitable access for all users.

The proposal would generate approximately 390 additional vehicles (based on Surrey average 1.5 cars per household) and significant additional traffic on Copthorne Bank and Bowers Arms Road.

The site's pedestrian connectivity and public transport reliance are inadequate. If safe operation of the maximum quantum cannot be demonstrated at outline stage, refusal is appropriate.

CONCLUSION – NPPF PARAGRAPH 11(d) BALANCE

When assessed against the NPPF as a whole, including Green Belt protection, biodiversity protection, statutory BNG requirements, flood risk policy and sustainable transport objectives, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Copthorne Meadows:

- Is designated SNCI
- Supports Priority Habitat
- Was previously ruled out of the Local Plan process
- Was assessed by Tandridge's own ecology review as unsuitable for development [SEBA 2016 DOM13]

The proposal gives rise to substantial and irreversible Green Belt harm, permanent SNCI loss, statutory compliance risks, and potential baseline inaccuracy.

For these reasons, planning permission should be refused.