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Sandown Park
Racecourse, Esher

Shadow Habitats
Regulations
Screening
Assessment

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Summary

- S.1. This report has been prepared by Tyler Grange LLP on behalf of Jockey Club Racecourses (JCR). The purpose of the report is to inform a masterplan-led hybrid planning application for proposals at Sandown Park.
- S.2. In total, the masterplan area is divided into 11 distinct areas (see plan **11071FE_101_G_Masterplan**, prepared by PRC Architecture and Planning). A hybrid planning application has been prepared for the site, for mixed-use development comprising:
- An outline planning application (with all matters reserved except for access to the development) for:
 - Enhancement and rationalisation of existing racecourse facilities/infrastructure and car parking;
 - Re-location of an upgraded children’s nursery (Use Class D1);
 - Development of a c. 150-room hotel (Use Class C1), and
 - Demolition of existing buildings/structures and residential development of approximately 318 dwellings (Use Class C3).
 - A full planning application for:
 - Racetrack widening to the southwest and east sections of the existing racecourse track, including associated ground levelling/earthworks to the southwest section, and re-positioning of fencing, and improvements to a section of the existing internal access road from More Lane, and
 - New bell-mouth accesses serving the development.
- S.3. This report uses available data to examine likely effects of the proposed development on statutory designated European sites; it sets out the screening stage of a ‘Shadow’ Habitats Regulations Assessment (HRA), which will ultimately allow the competent authority (Elmbridge Borough Council) to carry out the required HRA screening assessment.
- S.4. The development at the site has been screened at Stage 1 of the HRA process to ensure that no likely significant effect, namely through the increased recreational disturbance impact pathway, is caused at the following European designated sites as a result of the proposals:
- South-west London Waterbodies SPA;
 - Richmond Park SAC;
 - Thames Basin Heaths SPA; and
 - Wimbledon Common SAC.
- S.5. For the reasons detailed below, and in agreement with Natural England through the discretionary advice service (see **Appendix 2**), no likely significant effects at any of the above named European designated sites are considered likely, and the above-named European designated sites are screened out of requiring an Appropriate Assessment.



Section 1: Introduction

Introduction

- 1.1. This report has been prepared by Tyler Grange LLP on behalf of Jockey Club Racecourses (JCR). The purpose of the report is to inform a masterplan-led hybrid planning application for proposals at Sandown Park. The site names, central grid references and corresponding habitat features plans are set out below in **Table 1.1**.

Table 1.1: Summary of site locations and corresponding plans

Site Name	OS Grid Reference	Habitat Features Plan
Site 1	TQ 13819 64939	11932/P01
Site 2	TQ 14059 64895	11932/P02
Site 3	TQ 13736 65640	11932/P03
Site 4	TQ 14683 65584	11932/P04
Site 5	TQ 14436 65306	11932/P05
Site A	TQ 14030 64910	11932/P06
Site B	TQ 14158 65142	11932/P07
Site C	TQ 14164 65375	11932/P08
Site D	TQ 13878 65246	11932/P09
Race Track Widening (Sites E1 and E2)	TQ 13722 65162 (E1) and TQ 14644 65713 (E2); see site location plan referenced below	11932/P12
Site F	TQ 14197 65072	11932/P16

Site description and context

- 1.2. In total, the masterplan area is divided into 11 distinct areas (see plan **11071FE_101_G_Masterplan**, prepared by PRC Architecture and Planning). A hybrid planning application has been prepared for the site, for mixed-use development comprising:

- An outline planning application (with all matters reserved except for access to the development) for:
 - Enhancement and rationalisation of existing racecourse facilities/infrastructure and car parking;
 - Re-location of an upgraded children's nursery (Use Class D1);
 - Development of a c. 150-room hotel (Use Class C1), and
 - Demolition of existing buildings/structures and residential development of approximately 318 dwellings (Use Class C3).



- A full planning application for:
 - Racetrack widening to the southwest and east sections of the existing racecourse track, including associated ground levelling/earthworks to the southwest section, and re-positioning of fencing, and improvements to a section of the existing internal access road from More Lane, and
 - New bell-mouth accesses serving the development.
- 1.3. The masterplan area sits within the active Sandown Park Racecourse. Habitats present within the masterplan area include amenity and poor semi-improved grassland, semi-natural broadleaved woodland, scattered trees, scrub, a wet ditch and treelines. The masterplan area is bordered by Lower Green Road and the railway corridor to the north, Station Road to the east, the A307 to the south and More Lane to the west.
- 1.4. This report should be read in conjunction with the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment report which has been prepared for the site (Report Ref: **11932/R01f**).

Purpose

- 1.5. This report uses available data to examine likely effects of the proposed development on statutory European designated sites.
- 1.6. This report sets out a 'Shadow' Habitats Regulations Assessment (HRA) Screening, which will ultimately allow the competent authority (Elmbridge Borough Council) to carry out the required HRA Screening. Natural England also have the responsibility to provide statutory advice on the matter and were consulted through the discretionary advice service to inform this report.



Section 2: Legislation and Local Planning Policy

Legislation

- 2.1. Specific habitats, species and European designated sites receive legal protection in the UK under various pieces of legislation, including The Conservation of Habitats and Species Regulations 2017, hereinafter referred to as the ‘Habitats Regulations’.
- 2.2. European designated sites comprise:
- Special Areas of Conservation (SAC) and candidate SAC (cSAC) designated under the Habitats Directive;
 - Special Protection Areas (SPA) and potential SPA (pSPA), designated under the Birds Directive;
 - Ramsar sites, designated under the Convention on Wetlands of International Importance; and
 - European Marine Sites (EMS).
- 2.3. Under the Habitats Regulations, competent authorities are required to consider impacts of any plans / projects which are likely to have significant effects on European designated sites – either alone or in-combination with other plans / projects. The assessment of the potential effects is termed a HRA, which is split into four stages, as described below:
- Stage 1 is a screening stage to determine if the development is likely to have a significant effect on a European site, and therefore if a full Appropriate Assessment (AA) is required;
 - If required, Stage 2 refers to an AA which is used to determine whether the project will adversely affect the integrity of any given European site(s), in view of their conservation objectives. Conservation objectives specify the overall target for a site’s qualifying features (habitats and species/populations listed in Annex I and II) in order for that feature to be maintained or restored, to reach favourable conservation status;
 - Stage 3 is triggered if significant adverse effects are identified in stage 2. This stage requires alternative options to be examined to avoid significant impacts on European sites; and
 - If it is deemed that the project should proceed for Imperative Reasons of Overriding Public Interest (IROPI), Stage 4 comprises an assessment of compensatory measures which would be required.
- 2.4. The responsibility of undertaking an HRA lies with the competent authority who is responsible for granting consent for the scheme – in this case, this will be Elmbridge Borough Council. However, it is the applicant’s obligation to provide information to the competent authority to enable them to undertake the assessment, or to determine if an AA is required. In this case, the applicant is JRC.
- 2.5. Under the Habitats Regulations, the competent authority also has an obligation to consult with statutory nature conservation organisations – in this case Natural England.



Local Planning Policy

Elmbridge Core Strategy (2011)

2.6. The Elmbridge Core Strategy¹ (2011) sets out the vision, spatial strategy and core policies that are used for shaping future development in the Borough up to 2026.

2.7. The key policies within the Local Plan relating to ecology include:

- Policy CS13: Thames Basin Heaths Special Protection Area, which states:

New residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England. Priority will be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures. Where mitigation measures are required, the Council will work in partnership to set out clearly and deliver a consistent approach to mitigation, based on the following principles:

- 1. A zone of influence set at 5km linear distance from the SPA boundary will be established where measures must be taken to ensure that the integrity of the SPA is protected.*
- 2. Within this zone of influence, there will be a 400m "exclusion zone" where mitigation measures are unlikely to be capable of protecting the integrity of the SPA.*
- 3. Where development is proposed outside the exclusion zone but within the zone of influence, mitigation measures will be delivered prior to occupation and in perpetuity. Measures will be based on a combination of access management, and the provision of Suitable Accessible Natural Greenspace (SANG).*

Where mitigation takes the form of provision of SANG the following standards and arrangements will apply:

- *A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants;*
- *Developments of fewer than 10 dwellings should not be required to be within a specified distance of SANG land provided it is ensured that a sufficient quantity of SANG land is in place to cater for the consequent increase in residents prior to occupation of the dwellings;*
- *Access management measures will be provided strategically to ensure that the adverse impacts on the SPA are avoided and that SANG functions effectively;*
- *The Council will work in partnership through the Joint Strategic Partnership Board (JSPB) to ensure the delivery of mitigation measures;*
- *The Council will co-operate with Natural England and other landowners and stakeholders in monitoring the effectiveness of avoidance and mitigation measures and monitoring visitor pressure on the SPA and review/amend the approach set out in this policy, as necessary;*
- *The Council will collect developer contributions towards mitigation measures, including the provision of SANG land and joint contributions to the funding of access management and monitoring the effects of mitigation measures across the SPA;*
- *Large developments may be expected to provide bespoke mitigation that provides a combination of benefits including SANG, biodiversity enhancement, green infrastructure and, potentially, new recreational facilities.*

¹ <https://www.elmbridge.gov.uk/planning/local-plan/>



Where further evidence demonstrates that the integrity of the SPA can be protected using different linear thresholds or with alternative mitigation measures (including standards of SANG provision different to those set out in this policy) these will be agreed with Natural England.

- Policy CS14: Green Infrastructure, which states:

'The Council will protect, enhance and manage a diverse network of accessible multi-functional green infrastructure by..... Safeguarding important trees, woodlands and hedgerows and securing provision of soft landscaping measures in new development, focusing on the use of native species, particularly trees, which are an important feature of the Elmbridge landscape, and taking opportunities to create links with the wider green infrastructure network.'

- Policy CS15: Biodiversity, which states:

The Council will seek to avoid loss and contribute to a net gain in biodiversity across the region and the objectives of the Surrey Biodiversity Action Plan (BAP), by:

- '1. Protecting and seeking to improve all sites designated for their biodiversity importance, as identified on the proposals map, in accordance with PPS9: Biodiversity and Geological Conservation and CS13-Thames Basin Heaths Special Protection Area (SPA), including those sites considered as being relevant to the integrity of the South West London Waterbodies SPA and Ramsar site. Criteria based policies against which proposals will be judged for any development on, or affecting, sites of regional or local significance will be brought forward through future DPDs that address Development Management and Site Allocations;*
- 2. Support the implementation of the Regional Forestry and Woodland Framework by: Protecting all woodland, including ancient woodland, as shown on the proposals map, from damaging development and land uses; Promoting the effective management, and where appropriate, extension and creation of new woodland areas including, in association with areas of major development, where this helps to restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, helps mitigate climate change, and contributes to floodplain management; Replacing woodland unavoidably lost through development with new woodland on at least the same scale; Promoting and encouraging the economic use of woodlands and wood resources, including wood fuel as a renewable energy source; Promoting the growth and procurement of sustainable timber products.*
- 3. Protecting and enhancing BAP priority habitats and species and seeking to expand their coverage by supporting the development of the Biodiversity Opportunity Areas(12)(13);as shown on the proposals map;*
- 4. Managing and maintaining a mosaic of habitats and rich variety of wildlife across the Council's landholdings in accordance with the Elmbridge Countryside Strategy;*
- 5. Working in partnership (14) to re-store and enhance: the Thames Basin Heath SPA, in accordance with CS13-Thames Basin Heaths SPA, which is an area of strategic opportunity for biodiversity improvement. Brooklands Community Park and Esher Commons Site of Special Scientific Interest (SSSI) in accordance with the Council's most up-to-date mitigation strategy for the Thames Basin Heath SPA and the Esher Commons SSSI Restoration and Management Plan;*
- 6. Maximising the contribution of other green spaces and features (15), where appropriate, to the area's biodiversity resources including identifying and developing wildlife corridors(16) to provide ecological 'stepping stones' and form a coherent local and regional biodiversity*



network in accordance with CS12-The River Thames and its tributaries and CS14-Green Infrastructure;

7. Directing development to previously developed land in accordance with CS1-Spatial Strategy, taking account of its existing biodiversity value; and

8. Ensuring new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features.'

2.8. The Development Management Plan (DMP) document contains more detailed “every day” policies that all planning applications are assessed against. The key policy within the DMP relating to ecology is:

- Policy DM21: Nature Conservation and Biodiversity, which states:

a. In accordance with Core Strategy policy CS15 – Biodiversity, all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features. The Council will work in partnership to explore new opportunities for habitat creation and restoration.

b. Support will be given to proposals that enhance existing and incorporate new biodiversity features, habitats and links to habitat networks into the design of buildings themselves as well as in appropriate design and landscape schemes of new developments with the aim of attracting wildlife and promoting biodiversity. Conditions will be used to secure the provision of mitigation measures, as appropriate.

c. Development affecting designated international sites of biodiversity importance and compensatory sites will be considered against Core Strategy policies CS13 – Thames Basin Heaths Special Protection Area, CS15 – Biodiversity, the Framework and relevant legislation.

d. Development affecting national sites of biodiversity importance will not be permitted if it will have an adverse effect, directly or indirectly, individually or in combination, on the site or its features. In exceptional circumstances, proposals that have an adverse effect on a national site may be permitted if the benefits of the development clearly outweigh the harm. If a development is approved under these circumstances, appropriate avoidance, mitigation and compensation will be sought wherever possible.

e. Development affecting locally designated sites of biodiversity importance or sites falling outside these that support national priority habitats or priority species will not be permitted if it will result in significant harm to the nature conservation value of the site or feature.

f. Sites identified on the Policies Map as having potential to be designated in future as Suitable Accessible Natural Greenspace (SANG) will be protected from development that may compromise its ability to serve that function, taking into account the level of existing SANG when the development is proposed and any wider benefits of the proposal.

Biodiversity Action Plan

2.9. The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species agreed under the UK BAP still form the basis of much biodiversity work in the UK. The current strategy for England is ‘Biodiversity 2020: A strategy for England’s wildlife and ecosystem services’ published under the UK Post-2010 UK Biodiversity Framework. Although the UK BAP has been superseded, Species Action Plans (SAPs) and Habitat Action Plans (HAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.

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- 2.10. Most areas now possess a Local BAP (LBAP) to complement the national strategy where priority habitats and species are identified, and targets set for their conservation. BAP's are the key nature conservation initiative in the UK, working at national, regional and local levels.
- 2.11. The Surrey Biodiversity Action Plan was produced in 1999 and valid until 2010. The Surrey Nature Partnership, which produced the LBAP, has now produced a new 'Biodiversity and Planning in Surrey'² (2018) document which aims to help identify when and where biodiversity must be protected by the planning system, as well as how to identify opportunities to deliver biodiversity enhancements as 'net gains' in the most effective way.

² <https://surreynaturepartnership.org.uk/our-work/>



Section 3: Habitats Regulations Assessment Screening (Stage 1)

Defining the Scope of Stage 1

- 3.1. The scope of the assessment was determined by undertaking a desk-based assessment, together with consultation with the following organisations and resources:
- The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations');
 - Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive; 1992);
 - English Nature's Habitats Regulations Guidance Note (HRGN) 1 (1997);
 - Joint Nature Conservation Committee (www.jncc.org.uk) for citations of internationally designated sites;
 - Natural England's Discretionary Advice Service (DAS) on the requirement for a site-level HRA (telephone meeting on 11th December 2018 and response received 11th January 2019);
 - Natural England's web resources (www.naturalengland.org.uk) for citations of nationally designated sites and associated conservation objective and site improvement plan documents;
 - Multi-Agency Geographic Information for the Countryside (MAGIC) Interactive Maps for locations of statutory sites; and
 - Elmbridge Core Strategy (www.elmbridge.gov.uk) for details of relevant local planning policies, namely:
 - Policy CS13: Thames Basin Heaths Special Protection Area;
 - Policy CS14: Green Infrastructure;
 - Policy CS15: Biodiversity; and
 - Policy DM21: Nature Conservation and Biodiversity.

Assessment of Likely Significant Effects

- 3.2. The aim of HRA Screening is to establish whether construction or operation of the proposed development at Sandown Park Racecourse is likely to have a significant effect on European sites.
- 3.3. In this stage, the following information is required:
- Identification of internationally designated sites;
 - Identification / understanding of conservation objectives of each interest / qualifying feature;
 - Estimation of the likely magnitude, duration, location and extent of effects of the changes on internationally designated sites, as far as can reasonably be predicted; and
 - Identification of whether any element of the development will likely have a significant effect on any feature of interest, either alone or in-combination with other projects / plans.
- 3.4. The site is not covered by, or adjacent to, any areas which are subject to a statutory designation. However, there are four European statutory sites within the wider study area, listed in **Table 3.1**, in order of increasing distance from the site (see **Plan 11932/P14**).



Site Name	Designation	Distance and Orientation from Site	Size	Catchment (if known through visitor study)	Catchment Justification
Southwest London Waterbodies	SPA	2.6 km, north-west	828.14 Ha	Unknown	N/A
Richmond Park	SAC	6.5 km, north-east	846.27 Ha	Unknown	N/A
Thames Basin Heaths	SPA	8 km, south-west	8,274 Ha	5-7 km (for residential developments of 50+ net new dwellings)	Guildford Borough Council, 2017 ³
Wimbledon Common	SAC	8.5 km, north-east	351.38 Ha	Unknown	N/A

Table 3.1: Summary of European Sites within 10km of the site, and core catchments (where available); SAC = Special Area of Conservation; SPA = Special Protection Area

- 3.5. The interest features for each of the designated sites within 10km of the site, as listed in Table 3.1, are given below.

South-west London Waterbodies SPA

- 3.6. Interest features for the South-west London Waterbodies SPA⁴ are as follows:

This site qualifies under Article 4.2 of the Birds Directive by supporting populations of European importance of the following migratory species:

Over winter:

- *Gadwall Anas strepera, 786 individuals representing at least 2.6% of the wintering Northwestern Europe population; and*
- *Shoveler Anas clypeata, 1,075 individuals representing at least 2.7% of the wintering Northwestern/Central Europe population.*

- 3.7. Conservation objectives for the South-west London Waterbodies SPA⁵ are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*

³ The Guildford Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy (2017) Supplementary Planning Document has been referenced here as it is up to date with respect to appropriate buffer distances for residential developments of 50 net new dwellings within the catchment of the Thames Basin Heaths SPA, which is currently considered to be 5-7km

⁴ <http://jncc.defra.gov.uk/page-2051-theme=default>

⁵ <http://publications.naturalengland.org.uk/publication/4901473695563776>



- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features; and*
- *The distribution of the qualifying features within the site.*

Richmond Park SAC

3.8. Interest features of the Richmond Park SAC⁶ are as follows:

Annex II Species that are a Primary Reason for Selection of this Site:

- *Stag beetle *Lucanus cervus*: Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.*

3.9. Conservation objectives for Richmond Park SAC⁷ are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- *The extent and distribution of the habitats of qualifying species;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which the habitats of qualifying species rely;*
- *The populations of qualifying species; and*
- *The distribution of qualifying species within the site.*

Thames Basin Heaths SPA

3.10. Interest features for the Thames Basin Heaths SPA⁸ are as follows:

*This site qualifies under **Article 4.1** of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:*

During the breeding season:

- *Dartford Warbler *Sylvia undata*, 445 pairs representing at least 27.8% of the breeding population in Great Britain;*
- *Nightjar *Caprimulgus europaeus*, 264 pairs representing at least 7.8% of the breeding population in Great Britain; and*
- *Woodlark *Lullula arborea*, 149 pairs representing at least 9.9% of the breeding population in Great Britain.*

Conservation objectives for the Thames Basin Heaths SPA⁹ are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features;*
- *The structure and function of the habitats of the qualifying features;*
- *The supporting processes on which the habitats of the qualifying features rely;*
- *The population of each of the qualifying features; and*

⁶ <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0030246>

⁷ <http://publications.naturalengland.org.uk/publication/5279688851193856>

⁸ <http://jncc.defra.gov.uk/page-2050-theme=default>

⁹ <http://publications.naturalengland.org.uk/publication/4952859267301376>



- *The distribution of the qualifying features within the site.*

Wimbledon Common SAC

3.11. Interest features of the Wimbledon Common SAC¹⁰ are as follows:

Annex I Habitats Present as a Qualifying Feature, but not a Primary Reason for Selection of this Site

- *Northern Atlantic wet heaths with Erica tetralix; and*
- *European dry heaths.*

Annex II Species that are a Primary Reason for Selection of this Site:

- *Stag beetle Lucanus cervus: Richmond Park has a large number of ancient trees with decaying timber. It is at the heart of the south London centre of distribution for stag beetle and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.*

3.12. Conservation objectives for Wimbledon Common SAC¹¹ are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
- *The structure and function (including typical species) of qualifying natural habitats;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;*
- *The populations of qualifying species; and*
- *The distribution of qualifying species within the site.*

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3.13. The site does not form part of any allocations within the emerging local plan.

3.14. Given the proximity of the site to the nearest European designated site (2.6km to the south-west London waterbodies), no direct impacts as a result of the proposed developments are considered likely.

3.15. Through consultation with Natural England (see **Appendix 2**), the scope of impact pathways to be considered as part of the consultation process was limited to potential impacts from increases in recreational pressure on nearby European designated sites from new residents associated with the residential developments planned at sites 1, 2, 3, 4 and 5 within the masterplan area, totalling c. 318 new residential dwellings, along with the c. 150 room hotel at site B.

South-west London Waterbodies SPA

3.16. The south-west London Waterbodies SPA is made up of a network of waterbodies, the closest of which is located 2.6km north-west of the site and is known as Knight and Bessborough Reservoir. The species for which the SPA has been designated, namely gadwall and shoveler are considered potentially sensitive to increased recreational disturbance (Pease *et al.*, 2010; Evans & Warrington, 1997). Additionally, the Island Barn and Queen Elizabeth II reservoirs,

¹⁰ <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0030301>

¹¹ <http://publications.naturalengland.org.uk/publication/5706571287887872>



which may be considered supporting habitat for the qualifying species, are located 1km north and 1.6km north-west of the site respectively.

- 3.17. Through consultation with Natural England (see **Appendix 2**), it was determined that the scope of potential likely significant effects through recreational pressure on the qualifying species of the South-west London Waterbodies SPA could be limited to the three reservoirs named above based on the proximity of these reservoirs to the site and the accessibility of these reservoirs. The other two constituent reservoirs of the South-west London Waterbodies SPA located within 10km of the site (located 4.8km and 5.2km north of the site respectively) were not raised by Natural England as requiring consideration and are not considered further in the report.
- 3.18. A phone conversation was held between Natural England and Tyler Grange on 11th December. During the phone conversation it was communicated by Natural England that through data from the British trust for Ornithology (BTO), Queen Elizabeth II reservoir and Island Bar reservoir support moderate numbers of gadwall, with only Island Bar reservoir supporting notable numbers of shoveler. The BTO data for these species is summarised in **Table 3.2** below:

Species	Reservoir	Peak Count (5 Year Average)
Shoveler	Queen Elizabeth II	1
	Island Bar	8
Gadwall	Queen Elizabeth II	21
	Island Bar	33

Table 3.2: Peak count data for shoveler and gadwall at Queen Elizabeth II Reservoir and Island Bar Reservoir (Frost et al., 2018)

- 3.19. Natural England also noted that public access to the reservoirs is very limited and only encompasses the following:
- Knight and Bessborough reservoir (within the South-west London Waterbodies SPA): the local bird club have access to the reservoir, but access is restricted to low numbers of users associated with the bird club and the nature of their use of the reservoir is likely to be of minimal disturbance;
 - Island Barn reservoir (considered supporting habitat for the qualifying species): the Island Bar reservoir sailing club use the reservoir for sailing. It is considered likely that the sailing club limits disturbance on the reservoir through controlled membership (and therefore numbers of people utilising the reservoir) and limiting access for spectators, and it states on the sailing club website that dogs (which would otherwise likely increase disturbance to the qualifying species (English Nature, 2005)) must be kept on a lead when within the grounds of the sailing club¹². It is also considered likely that given the historic use of the reservoir by the sailing club, the birds utilising the lake will be habituated to the level of disturbance caused by the sailing activities; and
 - Queen Elizabeth II reservoir (considered supporting habitat for the qualifying species): there is no public access to this reservoir.
- 3.20. Considering the above access information, it is considered that it is unlikely that increased recreation disturbance as a result of the proposed development at the site will cause a likely significant effect on the qualifying features of the South-west London Waterbodies SPA. Therefore, the South-west London Waterbodies SPA does not require an AA and is screened out of this assessment. This conclusion has been agreed with Natural England (see **Appendix**

¹² <https://www.islandbarn.org.uk/category/21/directions-and-visitor-info.html>



2).

Richmond Park SAC and Wimbledon Common SAC

- 3.21. As shown in section 3, Richmond Park SAC is located 6.5km north-east of the site and is designated for the presence of stag beetle in the deadwood habitats found within the SAC. Wimbledon Common SAC is located 8.5km north-east of the site and is also designated for the presence of stage beetle, along with areas of qualifying habitats, namely Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths. With respect to Wimbledon Common SAC, although heathland may be adversely by recreational pressure, namely trampling, the SAC is managed to limit the impacts of recreational pressure on the interest feature. Therefore, given the distances between the site and these European designated sites and that the interest features for which the sites are designated are not considered to be adversely impacted by recreational pressure or (in the case of heathland) are managed to reduce impacts, no likely significant effects are considered likely as a result of the proposed development through increased recreational pressure on Richmond Park SAC and Wimbledon Common SAC. As such, these European designated sites do not require an AA and are therefore screened out of this assessment. This conclusion has been agreed with Natural England (see **Appendix 2**).

Thames Basin Heaths SPA

- 3.22. As shown in section 3, Thames Basin Heaths is located 8km south-west of the site. The qualifying features of Thames Basin Heaths (namely breeding nightjar, Dartford warbler and woodlark) are known to be adversely impacted by increases in recreational disturbance. As such, the SPA has a well-established mitigation strategy in place, based on the results of visitor surveys, which outlines the zones of influence around the SPA to be considered if development is to be brought forward nearby. The zone of influence (as stated in the most up-to-date guidance found online at the time of writing, namely the Guildford Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy (2017) Supplementary Planning Document³) is established as 5-7km for residential developments of 50+ net new dwellings. The site falls outside of the established zone of influence, and as such no likely significant effect is considered likely as a result of the proposed development through increased recreational pressure on the qualifying features of the Thames Basin Heaths SPA. Therefore, the Thames Basin Heaths SPA does not require an AA and is screened out of this assessment. This conclusion has been agreed with Natural England (see **Appendix 2**).



Section 4: Conclusion

- 4.1 The development at the site has been screened at Stage 1 of the HRA process to ensure that no likely significant effects are caused at the following European designated sites as a result of the proposals:
- South-west London Waterbodies SPA;
 - Richmond Park SAC;
 - Thames Basin Heaths SPA; and
 - Wimbledon Common SAC.
- 4.2 No direct impact pathways were identified. Indirect impact pathways considered within this report are limited to recreational disturbance, with no other indirect impact pathways identified.
- 4.3 For the reasons detailed in section 3 above, and in agreement with Natural England through the discretionary advice service (see **Appendix 2**), no likely significant effects at any of the above named European designated sites are considered likely, and the above-named European designated sites are screened out of requiring an AA.



References

Court of Justice of the European Union (CJEU) Judgement of 12.4.2018 – Case C-323/17 People Over Wind and Sweetman

DEFRA (2018) Multi-Agency Geographic Information for the Countryside. [online] Available at: <<http://magic.defra.gov.uk/>> [Accessed 20 January 2019]

English Nature (1997) Habitats Regulations Guidance Note. [online] Available at: <http://www.ukmpas.org/pdf/practical_guidance/HRGN1.pdf> [Accessed 15 August 2018]

English Nature (2005) Dogs, Access and Nature Conservation. [online] Available at: <publications.naturalengland.org.uk/file/70026> [Accessed 16 August 2018]

Evans, D. & Warrington, S. (1997) The effects of recreational disturbance on wintering waterbirds on a mature gravel pit lake near London. *International Journal of Environmental Studies*. **53** (1)

European Communities (1992) Council Directive 92/43/EEC. [online] Available at: <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>> [Accessed 16 August 2018]

Frost, T.M., Austin, G.E., Calbrade, N.A., Mellan, H.J., Hearn, R.D., Stroud, D.A., Wotton, S.R. and Balmer, D.E. (2018) Waterbirds in the UK 2016/17: The Wetland Bird Survey. Thetford: BTO/RSPB/JNCC

Pease, M., Rose, R. & Butler, M. (2010) Effects of human disturbances on the behaviour of wintering ducks. *Wildlife Society Bulletin*. **33** (1)

Tyler Grange (2018) *Sandown Park Racecourse, Esher: Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment*. London: Unpublished

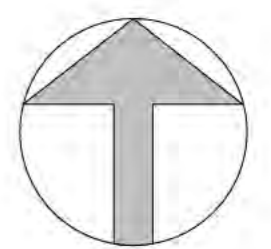
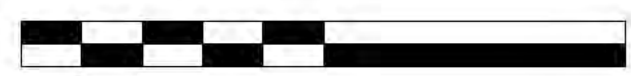


Appendix 1: Location Plan



Sandown Park Racecourse, Esher
Shadow Habitats Regulations Screening Assessment

11932_R03b_18 February 2019_NJ_JW



Appendix 2: Correspondence with Natural England



Date: 09 January 2019
Our ref: DAS/264519/13866



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Nathan Jenkinson

Discretionary Advice Service (Charged Advice)

13866

Development proposal and location: 11 separate land parcels within Sandown Park, of which 5 are to comprise residential development, 1 is to comprise a 150 room hotel, and one is to be replacement staff accommodation, with the remainder to be a pedestrian link path, leisure facilities and car park. Sandown Park, Portsmouth Rd, Esher KT10 9AJ.

This advice is being provided as part of Natural England's Discretionary Advice Service. Tyler Grange has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites
- Advice on the information for a draft Habitats Regulations Assessment

This advice is provided in accordance with the Quotation and Agreement dated 10-12-2018.

The following advice is based upon the information within the Pre-App Masterplan (October, 2018).

Protected sites

Natural England is satisfied that, on the basis of the objective information provided, it can be excluded that the proposed plan or project will have a significant effect on Thames Basin Heaths SPA, Richmond Park SAC and Wimbledon Common SAC, either individually or in combination with other plans or projects.

A phone conversation was held between Natural England and Tyler Grange on 11th December. The species for which the SPA has been designated, namely Gadwall (*Anas strepera*) and Shoveler (*Anas clypeata*), may be sensitive to additional recreational disturbance. During the call it was noted that Knight and Bessborough Reservoir, the closest area of SPA, as well as Island Barn and Queen Elizabeth II reservoirs, which may reasonably be considered supporting habitat, currently have very limited or no public access. As such, Natural England is satisfied that the proposed development is not likely to have a significant effect on South-West London Waterbodies SPA.

For clarification of any points in this letter, please contact Chris Baines at chris.baines@naturalengland.org.uk.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 10-12-2018.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information

provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,
Chris Baines
Sustainable Development

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

Plans

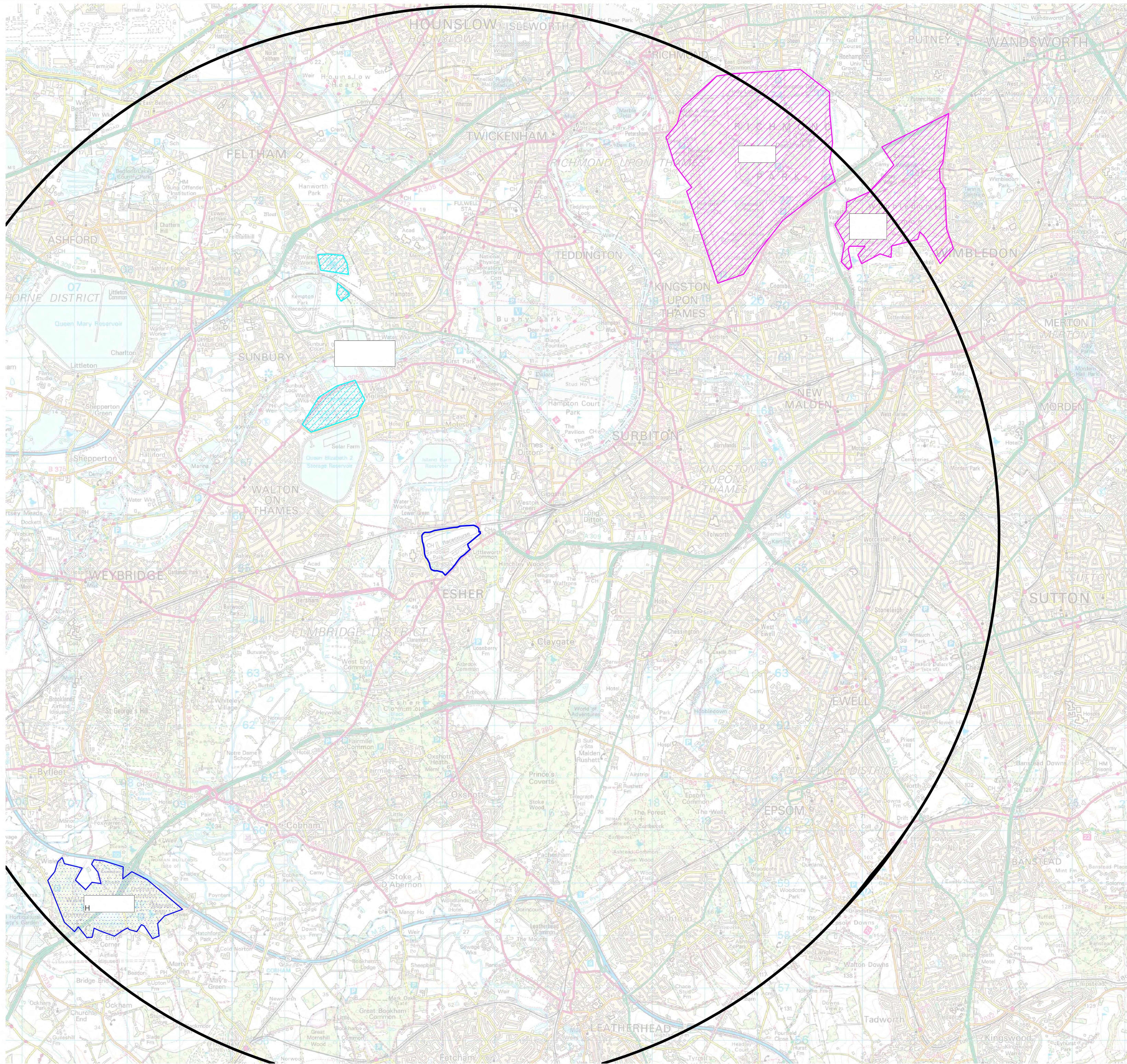
Site Location in Relation to Nearby European Designated Sites

11932/P14



Sandown Park Racecourse, Esher
Shadow Habitats Regulations Screening Assessment

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