

Main Statement of Case Appendix 9

ECOLOGY STATEMENT OF CASE BY TYLER GRANGE

Sandown Park Racecourse, Esher

11932_R07b_Ecology Technical Appendix

1.0 Introduction

- 1.1 This document forms a technical appendix to the Appeal Statement of Case in respect of a planning appeal against the refusal of a planning application for the proposed development at Sandown Racecourse, Esher.
- 1.2 This technical appendix relates to the Ecological matters and sets-out the following:
- the work undertaken to date;
 - the reasons to support the scheme;
 - the benefits of the proposal; and
 - the responses to reasons for refusal.

2.0 Work Undertaken to Date

- 2.1 An 'extended' phase 1 habitat survey undertaken on 8th October 2018, and updated 26th October 2018 to account for minor changes in the red line boundary of the scheme. The findings of these surveys, which were undertaken for each of the individual red line boundaries, are set out in the Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PBRA) report (Core Document CD5.58). The report includes details of:
- Statutory and non-statutory designated sites within influence of the sites;
 - The presence of protected/notable habitats within and adjacent to the sites;
 - The potential for protected/notable species within the sites; and
 - Recommendations for further survey work, namely for protected species, to inform the planning application.
- 2.2 Phase 2 protected species surveys (the scope of and requirement for which was agreed and initially confirmed as required by the Surrey Wildlife Trust to inform the planning application, but then subsequently confirmed as not being required as these can be undertaken at the reserved matters stage) for roosting bats (sites 1, 2, 3, 5, A, C and F) and great crested newt (GCN) *Triturus cristatus* (sites 3, 4, 5 and C) were undertaken between March – May 2019. The results of these surveys are set out in the Bat and Great Crested Newt Survey Report (Core Document CD6.46).
- 2.3 A 'shadow' Habitats Regulations Assessment (HRA; Core Document CD5.59) to set out that no likely significant effects (on any of the four European designated sites within 10km of the

Tyler Grange Group Limited, Marsden Estate, Rendcomb, Cirencester, Gloucestershire,
GL7 7EX

Tel: 01285 831804 www.tylergrange.co.uk

Registered in England No. 11435090 Vat Reg. No. 326 7564 81

Registered Office: Marsden Estate, Rendcomb, Cirencester, Gloucestershire. GL7 7EX

site) are likely as a result of increased recreational disturbance from development associated with sites 1, 2, 3, 4, 5 and B, as agreed with Natural England (as the statutory consultee; agreement from Natural England is appended to the 'shadow' HRA report).

- 2.4 'Heads of Terms' (HoT) for a Landscape and Ecological Management Plan (LEMP; Report Ref: **11932/R04**; an Appendix to Core Document CD6.47) for the masterplan site, setting out the broad principles that will be included in more detail in the LEMP.
- 2.5 Given that over 12 months have passed since the original ecology survey was completed, an update site visit will be undertaken to verify the current ecology survey baseline data (and to identify any changes) ahead of the appeal and submission of evidence.

3.0 Reasons to Support the Scheme

- 3.1 The scheme will have minimal impact on habitats ecological importance, and where habitats of ecological importance are to be lost (isolated tree and scrub loss) these losses can be mitigated through replacement planting – in line with local plan policies CS14, CS15 and DM21; see Paragraph 9.8.4.4 of the committee report (Core Document DC7.3) and the PEA and PBRA report (Core Document CD5.58).
- 3.2 The scheme will also have minimal impacts on protected/notable species. It is considered that any impacts to protected/notable species are considered likely to be able to be fully mitigated and therefore no relevant wildlife legislation will be breached – in line with local plan policies CS14, CS15 and DM21; see Paragraph 9.8.4.4 of the committee report and Bat and Great Crested Newt Survey Report (Core Document CD6.46).
- 3.3 The scheme will mitigate for any potential recreational impacts on the adjacent Littleworth Common Site of Nature Conservation Importance (SNCI) through providing payment(s) to facilitate the survey of the SNCI, and the production of suitable management plan for the SNCI, as requested by the Countryside Estates Officer (dated 28th August 2019) – in line with local plan policies CS14, CS15 and DM21; see Paragraph 9.8.4.4 of the committee report.
- 3.4 The scheme will not result in any adverse impacts on nearby statutory designated sites, as agreed with Natural England - in line with local plan policies CS14, CS15 and DM21; see 'shadow' HRA (Core Document CD5.59).

4.0 Benefits of the Proposal

- 4.1 Through appropriate mitigation and enhancements for habitats and species within the scheme, and through implementing the full LEMP, the scheme is envisaged to result in an overall enhancement for biodiversity across the masterplan site. At this stage, details of site enhancement feature locations and quantum are not available. However, it is envisaged that the LEMP will include recommendations for the instatement and management of the following:
 - Installation of bat and bird boxes, and insect hotels;
 - Nectar rich planting to increase the invertebrate food resource at the site, for species such as birds and bats;
 - Establishment of wildflower grassland;
 - Establishment of hedgerows/new native woody boundary features;
 - Replacement and additional native tree planting;

- Enhancement of on-site ponds, for example through the planting of emergent and marginal vegetation; and
- Establishment of refugia/deadwood piles nearby to ponds for amphibians.

4.2 It is considered that the above enhancements, secured through the LEMP, will aid in achieving the objectives of the 'Biodiversity and Planning in Surrey'¹ (2018), which aims to identify opportunities to deliver biodiversity enhancements as 'net gains' in the most effective way

4.3 Additionally, the production of the proposed management plan for the adjacent Littleworth Common SNCI is likely to result in an enhancement for the SNCI, should the measures in the management plan go beyond purely mitigating for perceived recreational impacts.

5.0 Responses to Reasons for Refusal

5.1 Reason for Refusal 4 (see Decision Notice 2019/0551 dated 3rd October 2019; Core Document CD7.2) is based upon comments from the Countryside Estates Officer and states:

'to the lack of a legal agreement to secure a financial contribution towards the long-term management plan of Littleworth Common SNCI, the proposed development is likely to result in adverse impact on biodiversity contrary to the Policy CS15 of the Elmbridge Core Strategy 2011, Policy DM21 of the Development Management Plan 2015, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.'

5.2 It has been advised by Tyler Grange that this element of the S106 should be agreed and therefore, once agreed, this reason for refusal should be removed.

6.0 Matters Raised by Consultees

6.1 **Table 6.1** below sets out the key consultees on ecological matters associated with the planning application, along with responses to comments received:

Consultee	Comment Received (Y/N)	Response to Comment
Natural England	N	n/a
Surrey Wildlife Trust	N	n/a
Surrey Bat Group	Y	An objection was raised by the Surrey Bat Group (SBG; see 9.8.4.8 of the officer's committee report; Core Document DC7.3). The objection set out that some of the bat surveys undertaken to inform some of the outline planning application elements of the hybrid application had been undertaken less than 2 weeks apart (which is the minimum spacing for surveys as per best practice guidance ²) and in suboptimal conditions, namely in temperatures

¹ Surrey Nature Partnership (2019). *Biodiversity in Surrey*

² Collins, J (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. The Bat Conservation Trust, London

		<p>below that set out in best practice guidance¹. However, it is considered that these surveys make up a small part of the overall survey effort and moreover, can be addressed in detail through further surveys at the reserved matters stage, before any alteration/demolition of buildings commences.</p> <p>It should be noted that more broadly, Surrey Wildlife Trust (acting as the ecological advisor to Elmbridge Borough Council) confirmed that no protected species surveys were required to inform the outline application stage and that all protected species surveys could be undertaken to inform the reserved matters application. This means that the objection from SBG may be considered not relevant at the outline application stage.</p>
Countryside Estates Officer	Y	See section 5 above

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