



Clerk: Teresa Buckley
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Monday, 22 July 2019

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

CABINET - TUESDAY, 23 JULY 2019

I am now able to enclose, for consideration at the Tuesday, 23 July 2019 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
10.	South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance Revised Appendix 2	(Pages 149 - 150)

Yours sincerely

Teresa Buckley
Clerk

South Hams SAC Greater Horsehoe Bat HRA Guidance Consultation Summary

The guidance was subject to a full 8-week consultation beginning in April 2018. Within the early stages of the consultation, a consultation event was held involving key stakeholders, local interest groups and interested residents. A total of 35 responses were received from the following organisations (individuals not listed):

Abbotskerswell Parish Council
BSG Ecology
Buckfastleigh Town council
Corylus Ecology
CPRE
Dartington Hall Trust
Devon Bat Group
Devon Wildlife Trust
Eagle One Homes Ltd
Green Ecology
Harberton Parish Council
Mineral and Resources Planning Association
Natural England (no comment)
Paignton Neighbourhood Planning Association
PCL Planning
Rattery Parish Council
Sibelco
South West Water (no comment)
Torquay Neighbourhood Plan Forum
Wolborough Residents Association

The following headings provide a summary of the key themes of responses received and the changes made to the document in response to these comments in agreement with the relevant Local Planning Authorities and Natural England.

The summary does not necessarily include all comments in detail, but the representations in full are available on the Devon County Council website at:

www.devon.gov.uk/planning/planning-policies/other-county-policy-andguidance/south-hams-sac-spd-consultation

Status

A number of the responses raised concerns regarding the contents of the document and whether it was appropriate to be adopted as SPD rather than DPD. Further comments sought to elevate the status of the SPD to a DPD so that further protection and more prescriptive policy could be adopted to conserve and enhance the SAC. Whilst it is not thought that the document consisted of policy that guided the use of land and therefore could not have been SPD, it was not sufficient to require DPD status. In light of this and Legal Advice sought by the LPAs, the Steering Group agreed to amend the contents of the document to make clear that the document is only intended as a screening document and to seek approval of the document from members as guidance.

The document is intended to be used by those preparing and validating planning applications to determine whether HRA is required and therefore identify the survey effort and potential mitigation that may be required.

Structure

Various responses commented on the structure of the document and noted that it was legible and clear to follow. However, a small number of responses noted that the document used technical and inaccessible language. In response to this, the guidance has been edited to remove technical terminology and the glossary updated to ensure that necessary technical terms are fully defined.

A number of comments also raised that the purpose of the document was not clear. This point has been addressed through the redrafting of the document as guidance and the purpose made clear.

Strategic Flyways

Some consultation responses queried the principle of replacing the strategic flyways concept with the Landscape Connectivity Zone (LCZ). The designation of flyways was based on the best available evidence at the time. Evidence now shows that the bats are dispersed in low numbers throughout the landscape, rather than following strategic flyways. In order to maintain long term Favourable Conservation Status of the population it is important that we maintain sufficient connectivity across the whole of this landscape (allowing landscape scale permeability) rather than just protecting a number of flyways. The new approach helps to ensure that all developments likely to have a significant effect on the integrity of the South Hams SAC undergo HRA. Through discussion with bat experts the Steering Group agreed that the LCZ should replace the flyways.

Landscape Connectivity Zone boundary

Responses to the consultation raised concerns regarding the chosen boundary of the LCZ and whether this responded appropriately to evidence and covered a sufficiently large area. In response to the consultation and further review of available evidence and guidance the boundary of the LCZ has been amended slightly. The LCZ still includes the landscape between the Designated Roosts but now also includes the landscape up to 10kms from Designated Maternity Roosts. 10kms is based on advice from experts (Billington and Rawson, 2006) and to include all of the smaller roosts identified through radiotracking to be used by bats from the Designated Maternity Roosts (see the 2019 Guidance for full references).

It is important to note that roosts and GHBs outside of the LCZ are protected through other legislation.

Sustenance Zones

A small number of responses questioned the size of the Sustenance Zones. The 4km zones have not been changed in response to the consultation as the distance selected is based on evidence as outlined in the 2019 Guidance. Note however that the boundaries are now 4km from the centre of the roosts rather than the edge of the mapped SSSI (see Appendix 2 of the Guidance for further detail).

Monitoring and Review

Responses to the consultation highlighted the need for the document to include detail as to how the approach will be monitored and reviewed. Section 5 of the final Guidance includes these details.