

# TORBAY LOCAL PLAN

Habitats Regulations Assessment

December 2015



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# PART I: SCREENING REPORT

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# 1 BACKGROUND

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## 1.1 Introduction

- 1.1.1** This document sets out a Habitats Regulations Assessment (HRA) of the Torbay Local Plan (adopted 10<sup>th</sup> December 2015). The Torbay Local Plan deals with a range of planning policy issues and covers the period up to 2030. It aims to regenerate Torbay and increase economic prosperity in a sustainable manner. The Plan includes matters that relate not only to the use of land but also to other things such as funding and infrastructure.
- 1.1.2** The purpose of Habitats Regulations Assessment is to assess the impacts of a land use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European site, and to ascertain whether it would adversely affect the integrity of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.
- 1.1.3** The HRA process for the Torbay Core Strategy / Local Plan began in 2006, when a draft HRA Screening Report was produced to outline the processes and information gathered up to that point. In 2009 the Screening Report had identified a range of direct and indirect impacts arising from the Torbay Core Strategy Growth Options that could possibly affect European sites within a 20 km radius from Torbay. The Local Plan Consultation Draft (2012) was also subject to HRA Screening and Appropriate Assessment (AA).
- 1.1.4** There have been a number of changes made to the Local Plan since the publication of the Draft Consultation version in 2012. These amendments have arisen as a result of consultation responses and mainly relate to the clarification or strengthening of policy wording or additional new policies. Further screening work and an Appropriate Assessment was carried out and the findings are presented in this Report.
- 1.1.5** The HRA process was subject to consultation advice from the statutory nature conservation body, i.e. Natural England (NE). Natural England (Devon Office) was involved in the early development of a method for undertaking the HRA work in 2006 (although this has since been revised to account for changing practice in the field), including the decision on which European sites should be 'screened' for Habitats Regulations Assessment. Natural England has also assisted by providing information relating to the conservation objectives of European sites. Further consultation has been held with NE Devon Office in 2009 on the Core Strategy Growth Options Regulation 25 and in 2012 on the Draft Consultation version. Appendix 2 sets out the full response from Natural England.

## 1.2 Requirement of the Habitats Regulations Assessment

- 1.2.1** The Conservation of Habitats and Species Regulations 2010 (as amended 2011) [the Habitats Regulations] require that HRA is applied to all statutory land use plans in England and Wales. The aim of the HRA process is to assess the potential effects arising from a plan against the conservation objectives of any site designated for its nature conservation importance.

**1.2.2** The Habitats Regulations transpose the requirements of the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna [the Habitats Directive] which aims to protect habitats and species of European nature conservation importance. The Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) which are designated under European Directive (2009/147/EC) for the conservation of wild birds [the Birds Directive]. In addition, Government guidance requires that Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance [Ramsar Convention]) are included within the HRA process, as required by the Regulations.

## **1.3 Purpose and Structure of HRA**

**1.3.1** This HRA sets out the findings of the screening and Appropriate Assessment work carried out for the Local Plan Proposed Submission version and incorporates advice from NE and wider stakeholders. It consists of Part I: Screening Report and Part II: Appropriate Assessment Report. Following this introductory section the report is organised into eight further sections:

- Section 2 – describes the method used for the HRA process;
- Section 3 – identifies European sites within close proximity of Torbay;
- Section 4 – provides a list of plans and programmes that could have in combination effects;
- Section 5 – identifies the potential effects arising from the Local Plan on European sites;
- Section 6– outlines the key finding of the Screening stage;
- Section 7 –outlines the Appropriate Assessment process and the findings of the assessment;
- Section 8 – identifies avoidance and mitigation measures; and
- Section 9– outlines the HRA key conclusions and recommendations.

## 2 METHOD

**2.1.1** The application of HRA to Local Development Documents has been informed by a number of key guidance and practice documents. Draft guidance for HRA 'Planning for the Protection of European Sites: Appropriate Assessment', was published by the Government (DCLG, 2006) and is based on the European Commission's (2001) guidance for the Appropriate Assessment of Plans. In 2007 the Royal Society for Protection of Birds (RSPB) published "The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it", which is also a helpful clarification of procedure.

**2.1.2** The DCLG guidance recommends four main stages to the HRA process:

- Stage 1: Screening for Likely Significant Effects
- Stage 2: Appropriate Assessment, Ascertaining Effects on Integrity
- Stage 3: Mitigations Measures and Alternatives Assessment.
- Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.

**2.1.3** If alternative solutions or avoidance/ mitigation measures to remove adverse effects on site integrity cannot be delivered then current guidance recommends an additional stage to consider Imperative Reasons of Overriding Public Interest (IROPI) for why the plan should proceed. For the HRA of land use plans IROPI is only likely to be justified in a very limited set of circumstances and must be accompanied by agreed deliverable compensation measures for the habitats and species affected. For this reason the IROPI stage is not detailed further in this report.

**2.1.4** The approach taken for the HRA of the Local Plan follows the method set out in formal guidance documents and has additionally been informed by recent good practice examples. The key stages of the HRA process overall, and the specific tasks undertaken for each stage are set out in Table 1 below:

**Table 1 HRA Key Stages**

Stage	Tasks
<b>Stage 1: Screening</b>	<ol style="list-style-type: none"> <li>1. Identify European sites in and around the plan area.</li> <li>2. Examine the conservation objectives of each interest feature of the European site(s) potentially affected.</li> <li>3. Analyse the policy / plan and the changes to environmental conditions that may occur as a result of the plan. Consider the extent of the effects on European sites (magnitude, duration and location) based on best available information.</li> <li>4. Examine other plans and programmes that could contribute (cumulatively) to identified impacts/ effects.</li> <li>5. Produce screening assessment based on evidence gathered and consult statutory nature conservation body on findings.</li> <li>6. If effects are judged likely or uncertainty exists – the precautionary principle applies: proceed to Stage 2.</li> </ol>
<b>Stage 2: Appropriate Assessment</b>	<ol style="list-style-type: none"> <li>1. Agree scope and method of Appropriate Assessment with statutory nature conservation body.</li> <li>2. Collate all relevant information and evaluate potential impacts on site(s) in light of conservation objectives.</li> </ol>
<b>Stage 3: Assessment</b>	<ol style="list-style-type: none"> <li>1. Consider how effect on integrity of site(s) could be avoided by changes to</li> </ol>

<b>of alternative solutions</b>	plan and the consideration of alternatives (e.g. an alternative policy/ spatial location). Develop mitigation measures (including timescale and mechanisms for delivery). 2. Prepare HRA/ AA report and consult statutory body. 3. Finalise HRA/AA report in line with statutory advice to accompany plan for wider consultation.
<b>Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain</b>	An assessment of whether the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the Natura 2000 network.

**2.1.5** More recently NE has produced additional, detailed guidance "The Habitats Regulations Assessment of Local Development Documents" (Tyldesley, 2009) that complements the DCLG guidance, and builds on assessment experience and relevant court rulings. The guidance sets out criteria to assist with the screening process and addresses the management of uncertainty in the assessment process. Proposals falling with categories A and B are considered not to have an effect on a European site and can be eliminated from the assessment procedure. Proposals falling within category C and category D require further analysis, including the consideration of "in-combination" effects to determine whether they should be included in the next stage of the HRA process. The categories of the potential effect of land use plans on European sites are shown in more detail in Table 2 below.

**Table 2 Categories of the potential effects of land-use plans on European sites**

<b>Category A: No negative effect</b>	
A1	Policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Policies intended to protect the natural environment, including biodiversity.
A3	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Policies that positively steer development away from European sites and associated sensitive areas.
A5	Policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
<b>Category B: No significant effect</b>	
B	Effects are trivial or 'de minimis', even if combined with other effects.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.

C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals, which depend on how the policies etc are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'.
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely significant effect in combination</b>	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the LDD (internally) the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

*Source: The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, February 2009, prepared by Tydesley and Associates for Natural England.*

## 3 IDENTIFICATION OF EUROPEAN SITES

**3.1.1** European sites for consideration within this Screening assessment have been identified in consultation with Natural England. The assessment encompasses the two European sites present within Torbay boundaries (i.e. South Hams SAC and Lyme and Torbay Marine SAC) and four further European sites within the 20km buffer zone of Torbay's boundaries. These are listed in Table 3 below. A summary of site characterisation is also provided below and detailed information on each European site, including conservation objectives and site vulnerabilities, is set out in Appendix 4. The location of the six sites in relation to Torbay boundaries is shown in Figure 1.

**Table 3 European sites within 20 km buffer zone of Torbay boundary**

European site	Designation
South Hams	SAC
Lyme Bay and Torbay	Marine SAC
Dartmoor	SAC
South Dartmoor Woods	SAC
Dawlish Warren	SAC
Exe Estuary	SPA & Ramsar

### 3.2 South Hams SAC

**3.2.1** South Hams SAC is situated in Devon on the south coast of England and covers an area of 129.53ha. The site is divided into 5 separate sites, including the Berry Head- Sharkham Point SSSI component, adjacent to the town of Brixham. It is considered to include one of the best areas of European dry heath and semi-natural dry grasslands and scrubland facies in the UK. It also supports a number of rare and scarce vascular plants typical of the oceanic southern temperate and Mediterranean-Atlantic elements of the British flora.

**3.2.2** South Hams SAC is thought to hold the largest population of greater horseshoe bat (*Rhinolophus ferrumequinum*) in the UK, and is the only one containing more than 1,000 adult bats (31% of the UK species population). Vulnerabilities of the bat population arise through disturbance to the cave systems, disused quarries and mine-shafts used by the bats as a result of public access and recreational activities. The vulnerabilities of the bat population are not limited to within the SAC itself; disturbance and damage to wider countryside feeding and commuting routes (Figure 2), such as agriculturally unimproved grassland, woodlands and hedgerows, can also have a detrimental impact on the population.

## 3.3 The Lyme Bay and Torbay SAC

**3.3.1** The Lyme Bay and Torbay Marine SAC site lies off the south coast of England off the counties of Dorset and Devon (Figure 3). The site comprises two sections, Lyme Bay Reefs and Mackerel Cove to Dartmouth Reefs and Sea Caves travelling from east to west respectively. It covers 31,248 ha and includes 14,289 ha of reef and at least 85 caves. The Lyme Bay and Torbay SAC has been identified by Natural England as one of the best examples of the range and diversity of bedrock reef, stony reef, and sea caves in the UK for protection under the Habitats Directive. It is estimated to contribute 0.9 percent of the UK's total reef resource to the Natura 2000 network.

## 3.4 Dartmoor SAC

**3.4.1** Dartmoor SAC covers an area of 23165.77 ha. The primary reason for selection of this site is Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths, Blanket bogs, Old sessile oak woods with *Ilex* and *Blechnum*. Other qualifying features, but not a primary reason for site selection, are Atlantic salmon (*Salmo salar*) and Otter (*Lutra lutra*). The ecological character of the site is dependent upon long-established traditional farming methods. One of the key nature conservation objectives for Dartmoor is to preserve the degradation of blanket bog and wet heath by providing stable conditions that favour bog vegetation. The potential impacts of climate change and air quality are important consideration with regard to this SAC.

## 3.5 South Dartmoor Woods SAC

**3.5.1** South Dartmoor Woods SAC lies within Dartmoor National Park and covers an area of 2157.15ha. The site contains old sessile oak woods with *Ilex* and *Blechnum*, which are the primary reason for its selection. It also contains regionally important assemblages of lower plants and dry Lobarion communities that are unique in Western Europe. The SAC includes grazed and ungrazed woodland, old coppice and high forest stands. There has been a long-term decline of lichens in the woodland as a result of air pollution and/or climate change. Areas of the site are also subject to heavy recreational pressure, grazing and uncontrolled fires.

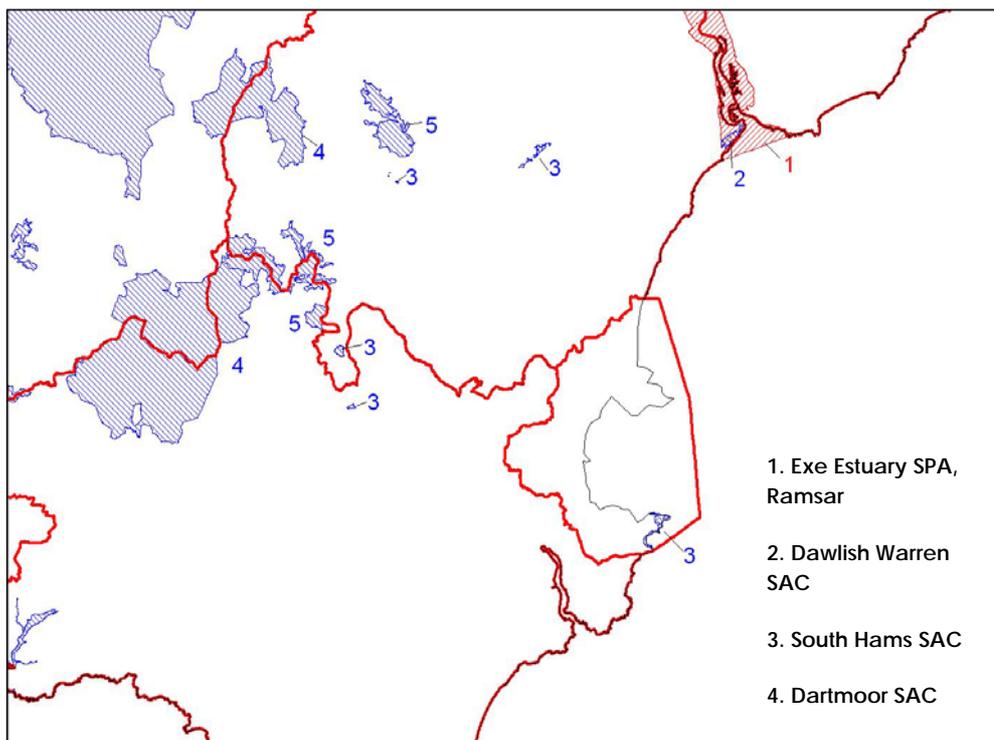
## 3.6 Dawlish Warren SAC

**3.6.1** Dawlish Warren SAC extends across the mouth of the River Exe covering an area of 58.84ha. The site is considered to be one of the best areas in the UK for humid dune slacks and contains a significant presence of shifting and fixed dunes. This dune system supports the Petalwort (*Petalophyllum ralfsii*) and is considered to be the best area in the UK for this species. Dawlish Warren is a popular seaside resort and visitor pressure is considerable. The shifting dunes along the shoreline are subject to erosion and are consequently fenced to direct visitors. Much of the fixed dune grassland is a golf course and is therefore subjected to wear and the maintenance of tees, greens and fairways.

## 3.7 Exe Estuary SPA and Ramsar

**3.7.1** Exe Estuary SPA and Ramsar site is located in Devon on the English south coast extending 10 km south from Exeter to the open sea at Dawlish Warren and covers an area of 2345.71ha. The site comprises waters, foreshore, low-lying land, three saltmarshes and an unusual double spit across the mouth of the estuary, and the sand dunes of Dawlish Warren. The mud- and sand-

flats support Eelgrass (*Zostera* spp.) and *Enteromorpha* beds, and contain an abundance of invertebrates including extensive Mussel (*Mytilus edulis*) beds, which together provide rich feeding habitats for wintering waders and wildfowl. Over winter the area regularly supports Slavonian Grebe, Avocet, Brent Goose, Dunlin, Oystercatcher; Black-tailed Goodwit and Grey Plover. This complex of coastal habitats supports internationally important numbers of Dark-bellied Brent Goose (1509 individuals) and Waterfowl. The sites are vulnerable to a variety of influences, such as recreational activities and dredging.



**Figure 1 Location of European sites within 20km of Torbay**

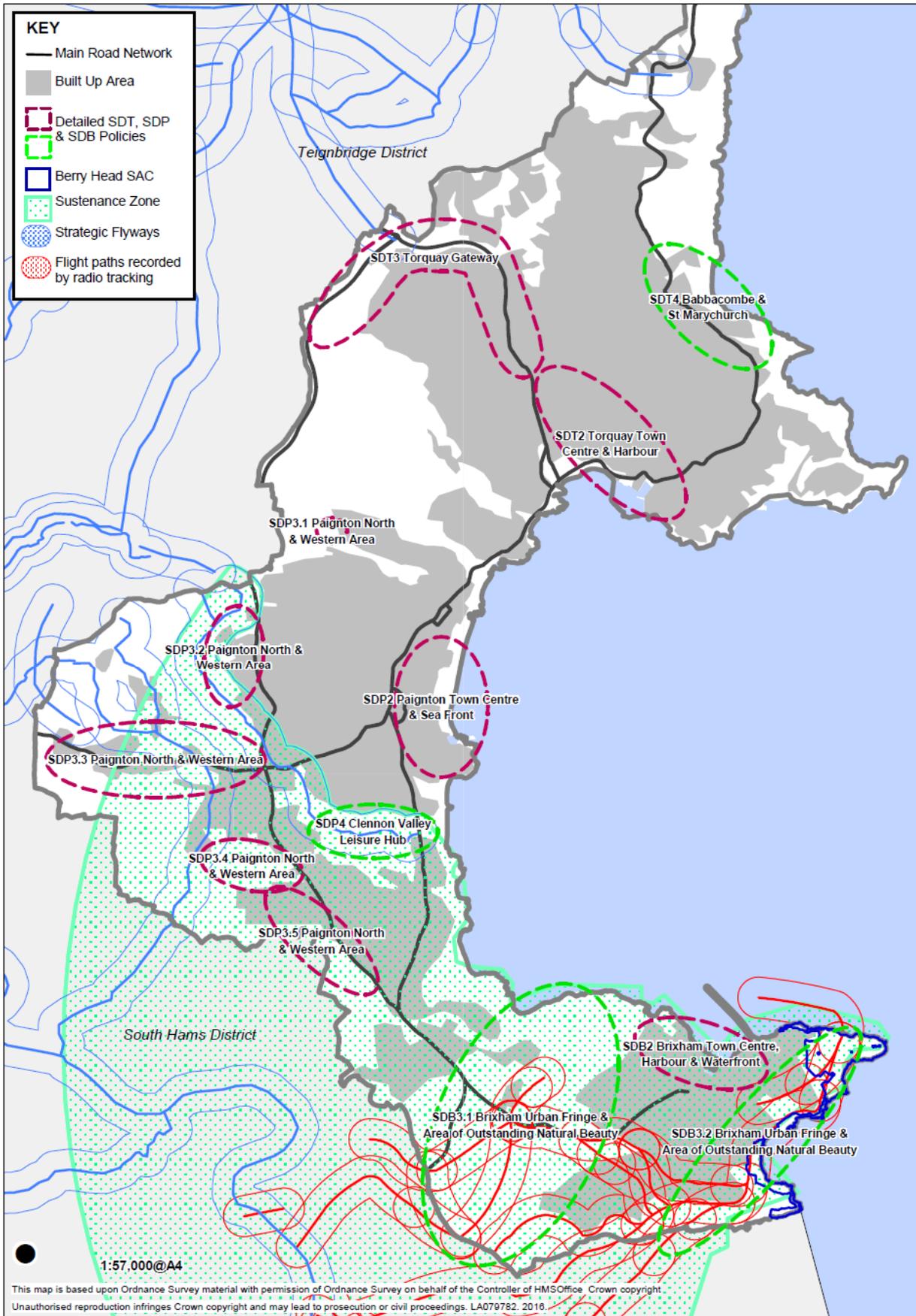


Figure 2 the Local Plan Strategic Delivery Areas in relation to South Hams SAC



candidate Special Area of Conservation  
**Lyme Bay and Torbay**

- candidate Special Area of Conservation
- ▨ Reefs
- Sea caves
- ▧ Special Areas of Conservation
- England 12nM Territorial Seas Limit

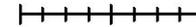
Depth Areas

- Drying
- ≤10m
- ≤20m
- ≤50m
- ≤100m
- Land

EU Site Code: UK0030372  
 Theme ID: 1452105  
 Version number: 2.0  
 Grid Ref: SY314821  
 Longitude: 2° 56' 11" W  
 Version: 9.0  
 Latitude: 50° 39' 4"N  
 Plotted: 22/07/2010  
 Projection: UTM 30N (WGS84) 6.0  
 Plot ID:  
 Area of SAC: 312.47 sq km  
 31247.79 ha

Scale 1:200,000 Map 1 of 2

0 1.252.5 5 Kilometers



Candidate Special Area of Conservation Directive 92/43/EEC  
 Submitted to the EC by the Secretary of State for Environment,  
 Food and Rural Affairs. Date: 20/08/2010  
 Depth areas © British Crown and SeaZone Solutions Limited.  
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Figure 3 Lyme Bay and Torbay Marine SAC

# 4 CONSIDERATION OF OTHER PLANS AND PROGRAMMES

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**4.1.1** Other plans, programmes and projects that are being prepared and / or implemented in the area have the potential to have significant effects on European sites. Effects from different plans may interact leading to a cumulative, significant effect overall for the area's biodiversity interests. It is a key requirement of the Habitats Regulations that effects identified through the plan screening are considered for their potential in combination effects. Guidance recommends that the in combination assessment is undertaken in a targeted way, to ensure that the assessment is most effective, by focusing on those plans most likely to interact with the plan under consideration.

**4.1.2** The plans and programmes listed below have formed the basis of the "in-combination" test for this policy screening. This list is not exhaustive and represents the most relevant current plans (further details are provided in Appendix 3).

- Devon and Torbay Local Transport Plan (3) 2011-2026
- Devon County Council Waste Local Plan (2014)
- Devon County Council Minerals Local Plan (adopted) 2004
- Torbay Local Plan 1995-2011(adopted, 2004)
- Torbay New Growth Point: Programme of Development 2008
- Turning the Tide for Tourism in Torbay Strategy 2010-2015
- Torbay Community Plan 2011 +
- Torbay Economic Strategy 2010-2015
- Torbay Harbour and Maritime Strategy (2007 – 2017) 'Catching the Wave'
- South Devon and Dorset Shoreline Management Plan Review (SMP2) 2009
- South Hams Core Strategy (adopted)
- Exeter City Council Core Strategy (adopted)
- Teignbridge Local Plan 2013 - 2033
- Dartmoor National Park HRA Screening 2007

# 5 LIKELY SIGNIFICANT EFFECTS

**5.1.1** Identification of potential and likely impacts was undertaken using a site focus, which considers the environmental conditions of the site and the factors required to maintain site integrity. It also considers the potential pathways of impacts arising from the Local Plan alone or in combination with other plans and policies. Table 4 below summarises the main factors that may affect the integrity of European sites as a result of the effects of the Local Plan. The potential issues arising as a result of proposed development are:

- Increased water abstraction, which can lead to reduced water levels at European sites.
- Increased water discharges (consented), which can lead to reduced water quality at European sites.
- Increased surface water runoff, which can lead to reduced water quality at European sites.
- Increased recreational activity, which can lead to increased disturbance at European sites.
- Increased noise and light pollution, which can lead to increased disturbance at European sites.
- Land take, which can lead to habitat loss and fragmentation of designated and/or supporting habitats.

**Table 4 the main factors that may affect the integrity of European sites**

European site	Site Vulnerabilities				
	Habitat loss/fragmentation	Noise, vibration and lighting	Nutrient enrichment	Water levels and quality	Recreational pressure
South Hams SAC	√	√	√	X	√
Lyme Bay & Torbay SAC	√	X	X	√	√
Dartmoor SAC	X	X	X	√	X
South Dartmoor Woods SAC	X	X	X	X	X
Dawlish Warren SAC	X	X	X	X	X
Exe Estuary SPA & Ramsar	X	X	X	X	X

Key		
Likely Significant Effect	√	Further Appropriate Assessment required
No Likely Significant Effect	X	No further Appropriate Assessment required as no pathways identified

**5.1.2** The Torbay Local Plan is not considered to have a significant impact on South Dartmoor Woods SAC, Dawlish Warren SAC and Exe Estuary SPA and Ramsar due to the distance involved (13.23 km, 9.75km and 10km respectively). They are therefore screened out of the assessment

at this stage and further assessment is not considered to be required under the Habitats Regulations. The Local Plan could however have the potential for negative impacts on South Hams SAC, Lyme Bay and Torbay Marine SAC and Dartmoor SAC and therefore they will be discussed in further detail in this section.

## 5.2 Likely Significant Effects on South Hams SAC

- 5.2.1** Impacts on the integrity of South Hams SAC are primarily related to loss and disturbance of foraging and commuting habitats used by the greater horseshoe bat population. The detailed design and layout of specific development proposed in the Local Plan is not yet known because much of this detail will emerge through the three Neighbourhood Plans for Torquay, Paignton and Brixham. However, it is clear that certain development could affect sustenance zones and commuting routes of greater horseshoe bats across the SAC. Reduction in the sustenance zone and removal of linear features used by commuting bats, through development associated with the Local Plan and other plans, could have a significant negative impact on the bat population.
- 5.2.2** Greater horseshoe bats forage by flying low over pasture at heights of 0.6 – 1.5 m (Ransome, 1996). Increased traffic in Torbay and beyond could increase bat mortality due to collision with vehicles. This could lead to population decline; inexperienced juvenile bats are particularly at most risk.
- 5.2.3** There is a possibility of a direct disturbance to the bat population during construction and operation phases. Greater horseshoe bats are particularly light sensitive and tend to avoid areas that are subject to artificial illumination. Increased lighting used for recreation and crime prevention that could result in alteration of street lighting regimes in areas used by bats.
- 5.2.4** Wind turbines could potentially put bat population at risk. The information currently available on bat behaviour in the UK is not sufficient to assess the threat that wind turbines may pose to populations (NE, 2009). However, the new permitted development rights for householders to install wind turbines could lead to multiple installations which could endanger the greater horseshoe bat population.
- 5.2.5** The current visitor numbers in Berry Head are in excess of the carrying capacity of the site. New housing across Torbay suggested by the Local Plan could increase the number of people visiting the site. This could cause an additional recreational pressure on the calcareous grassland and European dry heath in the form of direct loss of habitat through neglect, inappropriate management or increased eutrophication by dog fouling.

## 5.3 Likely Significant Effects on Lyme Bay and Torbay Marine SAC

- 5.3.1** There will be additional pressure placed on Lyme Bay and Torbay Marine SAC from the level of growth suggested by the Local Plan, alone or in combination with other plans and policies, including risk of water pollution and recreational activities on the interest features (reefs and sea caves). Due to the distance involved, the level of water-based traffic entering Lyme Bay from Torbay area is likely to be minimal and therefore would have insignificant effect on the reefs in Lyme Bay. The risk from human activities resulting from the Local Plan therefore considered to be limited to Mackerel Cove to Dartmouth.

**5.3.2** The level of growth suggested by the Local Plan could potentially have negative impacts on water quality from contaminated run-off. Impact from discharge of sewage around Hope's Nose has already been reported. However, assessments made under the Water Framework Directive (WFD) indicate that relevant coastal waters in and adjacent to the SAC boundary are of good quality.

## **5.4 Likely Significant Effects on Dartmoor SAC**

**5.4.1** The HRA of the South West Regional Spatial Strategy (2008) concluded that generally the level of growth in the South West should not have adverse effects on the integrity of many of the European sites. However, there are a number of sites for which uncertainty remains regarding adverse effects on their integrity. This is mainly due to lack of information regarding water abstraction and water pollution associated with the significant increase in houses proposed for the region, as well as potential air pollution arising from the likely increase in traffic. These effects need to be considered where relevant to the potential environmental impacts on the European sites identified in Section 3 above for their potential to have "in-combination" effect.

**5.4.2** The HRA of the South West Regional Spatial Strategy (2008) concluded that generally the level of growth in the South West should not have adverse effects on the integrity of many of the European sites. However, there are a number of sites for which uncertainty remains regarding adverse effects on their integrity. This is mainly due to lack of information regarding water abstraction and water pollution associated with the significant increase in houses proposed for the region, as well as potential air pollution arising from the likely increase in traffic. These effects need to be considered where relevant to the potential environmental impacts on the European sites identified in Section 3 above for their potential to have "in-combination" effect.

**5.4.3** The Environment Agency (EA) has identified adverse effects already occurring due to water abstraction in Roadford Water Resource Zone affecting Dartmoor SAC. Development proposals in Torbay, Newton Abbot, Plymouth and Barnstaple could lead to increased water abstraction which could have an off-site impact on Atlantic salmon migratory routes due to lowered flows and increased water pollution within the rivers on Dartmoor. The EA has recommended that further measures in the Roadford Water Zone should be adopted in order to ensure that deficits do not occur in association with the level of growth in the South West region. These measures include requirement of constructing water efficient homes in the cities and towns mentioned above.

# 6 SCREENING CONCLUSIONS

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- 6.1.1** The Torbay Local Plan has been screened to check for the likelihood of significant effects on any European site. The screening concluded the Local Plan Policies have the potential for likely significant effects on South Hams SAC, Lyme Bay and Torbay Marine SAC and Dartmoor SAC.
- 6.1.2** The screening involves a careful check of each policy proposed in the Local Plan, and its supporting text. The record of the check for the likelihood of significant effects is set out in Appendices 5 - 7. These indicate that the majority of policies can be screened out; these are identified under category A or B. However, a number of policies are identified as having the potential to result in, or contribute to significant effects; these are identified under category C or D.
- 6.1.3** This HRA therefore proceeds to a more detailed level of assessment 'Appropriate Assessment' for the key areas of concern identified. Since the likelihood of significant effects cannot be ruled out, the Council, as competent authority, must assess the potential impacts, and identify any mitigation measures required to avoid an adverse effect.

## PART II: APPROPRIATE ASSESSMENT REPORT

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# 7 APPROPRIATE ASSESSMENT

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**7.1.1** This section addresses Stage 2 (Appropriate Assessment) of the HRA process, which considers if the likely significant effects on European sites identified through the first Screening Stage have the potential to adversely affect European site integrity. The Policy screening and the review of plans and programmes 'in-combination' work undertaken at the screening stage have identified five main areas of impact arising that may have significant effects on the identified European sites. These include:

- habitat loss and fragmentation;
- noise, light and vibration;
- water levels and quality;
- recreational pressure; and
- nutrient enrichment.

**7.1.2** This section provides an assessment of the likely significant effects and makes recommendations where necessary of specific mitigation required.

## 7.2 South Hams SAC

**7.2.1** Development proposed in the Local Plan will increase the residential population and therefore has the potential to increase the levels of recreational activity on and around the South Hams SAC. It also has the potential to result in increased levels of noise and light pollution through building construction /operation, as well as increased vehicular traffic.

**7.2.2** Although Torbay has a high ratio of accessible natural greenspace that provides considerable alternative recreational resources closer to the main population centres, the intrinsic and historic appeal of the SAC and the visitor experience is such that a proportion of new residents and visitors will always be likely to be drawn to this site for itself. Provision or enhancement of nearby greenspace to replicate the experience of visiting Berry Head may help reduce recreational pressure on Berry Head further, but should be seen as part of a package of measures and not the only means of mitigation. All mitigation must be delivered within a timescale linked to that of the development and targeted to resolve impacts to the European site.

**7.2.3** The decline in calcareous grassland and European dry heath at Berry Head appears to indicate that current visitor numbers are in excess of the carrying capacity. Berry Head Conservation Management Plan (2007 – 2017) identifies measures to control recreation pressure. These include, besides raising the awareness of visitors, establishing new surfaced footpath routes to reduce pressure on eroded areas of grassland, reducing dog-fouling across the site, preventing unauthorised vehicles accessing the site, continuing to manage scrub by hand and extending grazing across the cliff slopes. The HRA has been informed by additional evidence in relation to the potential recreational impact on the Berry Head component of South Hams SAC arising from the new development.

**7.2.4** An increased energy burden for greater horseshoe bat populations as a result of the increasing distance commute to foraging and roost sites, would reduce health and breeding success of individuals, and consequently the integrity of the population in the medium and long term. Short

commuting distances, in combination with other variables, were related to survival rate of young greater horseshoe bat and their mothers (Ransome, 1996).

- 7.2.5** Natural England has introduced planning guidance on protection and minimising the disturbance to greater horseshoe bat roosting and foraging ground (Natural England 2010). The guidance should form the basis of both strategic and project level mitigations it will be supplemented with emerging 'Strategic Mitigation Strategy for the South Hams Greater Horseshoe Bat Special Area of Conservation ', being produced for Devon County Council, and for Torbay Unitary Authority, and South Hams and Teignbridge District Councils.
- 7.2.6** The Local Plan has introduced a new Policy (SS9 - Green Infrastructure), which would address the impact of development on bats through promoting a landscape led approach to planning and design for new development.
- 7.2.7** In general, where suitable habitat features are present (such as linear landscape features, woodland, scrub, pasture or wetland habitats), consideration should be given to re-designing the schemes to avoid these features. Where design changes are not possible, or if impacts to suitable greater horseshoe bat habitats are unavoidable, detailed surveys to establish the status of greater horseshoe bats within the affected area should be undertaken and subsequent appropriate mitigation put in place (in accordance with the specification provided by Natural England in South Hams SAC – Greater horseshoe bat consultation zone planning guidance). Where mitigation is not possible, the Local Plan should not support the development.
- 7.2.8** The Local Plan currently provide for a strategic landscape-scale approach to the coordination and delivery of mitigation measures required to address the following potential 'in-combination' effects:
- residual impacts from proposals in the Torbay Local Plan that are not significant alone, but might in combination with other plan proposals result in adverse affects;
  - effects from proposals within Torbay as set out in other development plans - such as minerals, waste and transport projects promoted and/or consented by Torbay Council;
  - effects from other developments promoted and consented by neighbouring planning authorities where there could be an in combination effect across the boundaries of the two authorities.
- 7.2.9** This is best achieved through a strategic approach, provided by the proposed new Mitigation Strategy, between all relevant competent authorities, that takes account of all likely development proposals and provides an integrated means of achieving adequate mitigation to ensure that the integrity of the SAC is not adversely affected.
- 7.2.10** The HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Area (2014) has been prepared in support of the HRA of the Local Plan, and provides an appraisal of key site proposals within the Plan. It also identifies the likely effects arising from those proposals (e.g. their likely effect on the integrity of South Hams SAC in relation to greater horseshoe bats), and makes recommendations, where required, for appropriate mitigation measures (commensurate with levels of information and certainty available at the Plan Making stage of the planning process).

## 7.3 Lyme Bay and Torbay Marine SAC

- 7.3.1** The Local Plan makes provision for a range of development, including along Torbay's coast. There would only be a risk if run off was able to flow into the coastal water. Surface water run-off pollution (oil spills, chemicals etc.) during construction and operation phases is likely to have a cumulative negative impact on both water quality and species along Torbay's coast. Discharge of pollution from the land could potentially impact on the interest features in the site by causing change in physico-chemical conditions of the overlying water, such as change in temperature, turbidity, salinity, and increase in nutrient and organic matter.
- 7.3.2** It is difficult to assess the impact recreational pressure has on the interest features because the actual pressure from the Local Plan is not known. Recreational pressure includes activities such as shipping, recreational fishing and anchoring. Some of these activities will not have impacts because they do not have significant mechanism for interaction with the site interest features.
- 7.3.3** However, based on the levels of existing recreational pressure, the measures in place and proposed to reduce human disturbance to sensitive habitats and species of the SAC (MARPOL), and conservation objectives for the management of Lyme Bay and Torbay SAC), it would be reasonable to assume that the impacts of additional development from the Local Plan will be low to moderate.
- 7.3.4** There are a number of measures contained within the Local Plan Policies and Evidence Base that would reduce the impact of development proposed by the Local Plan on coastal waters. The Strategic Flood Risk Assessment Level 2 (SFRA2) recommends considering the potential benefits that an appropriately designed sustainable drainage system could have on the biodiversity, amenity value, water quality and resource value of development and/or surrounding area. It also recommends considering the vulnerability and importance of ecological resources when determining the suitability of drainage strategies / sustainable drainage systems.
- 7.3.5** Policy W5 states that development proposed by the Local Plan may be required to provide financial contribution towards the enhancement of the waste water treatment works (WWTW). Policy ER2 states that the Council will require development proposals to provide appropriate sewerage systems and support measures to reduce the amount of storm water and grey water going into the shared sewer. The Council will also consider the use of natural sewage treatment methods and sustainable urban drainage measure as promoted in the Torbay Green Infrastructure Delivery Plan, which have informed Local Plan Policies.
- 7.3.6** South West Water has constructed a 2,000 cubic meter underground storm storage tank in the south-east corner of Abbey Park, on Torquay Seafront, to provide extra capacity in the sewerage system and reduce discharges from the network in extremely wet weather. The work is part of a £5 million investment designed to improve bathing water quality in Torbay ahead of the European Union's revised Bathing Water Directive which comes into effect in 2015. These might include increasing storm water storage capacity in the sewerage network and improving combined sewer capacity at key locations including Cockington Lane, Abbey Park, Cary Parade, Old Mill Road, Roundham Road and Beacon Hill in Torquay and Littlegate Road in Paignton.

## 7.4 Dartmoor SAC

- 7.4.1** The HRA of the South West Regional Spatial Strategy (2008) concluded that the level of growth in the South West should not have adverse effects on the integrity of many of the European sites. However, there are a number of sites for which uncertainty remains regarding adverse effects on their integrity. This is mainly due to lack of information regarding water abstraction and water pollution associated with the significant increase in houses to be provided in the region.
- 7.4.2** The level of development proposed in the Torbay Local Plan has the potential to act both alone and in combination with development proposed in surrounding areas through increased levels of abstraction to provide water supply, increased pressure on sewerage capacity and increased surface water run-off.
- 7.4.3** Increased abstraction has the potential to lead to reduced water levels, which can have adverse effects on the integrity of Dartmoor SAC. Changes to water levels can impact river flow and water quality, which can adversely affect water dependent species such as the Atlantic salmon.
- 7.4.4** Water supplied to Torbay is part of the wider Roadford Strategic Supply Area operated by South West Water on the Devon/Cornwall border. The Torbay Council Water Cycle Study (2011) has confirmed that currently the Roadford Strategic Supply Area is operating at 65% below full capacity. The South West Water final water resource plan identifies that there are sufficient water resources to supply demand from existing housing and non domestic uses.
- 7.4.5** The final water resource plan also indicates that demand across the region is likely to fall until about 2016/17 through the increased uptake of customers opting for water metering, the impact of water efficiency measures, new water tariffs and a projected reduction in commercial demand. However, post 2017, demand is likely to rise again and is linked to population growth. A surplus of supply over demand plus headroom will be maintained through until 2034/35 as a result of demand management measures and investment within water supply infrastructure.
- 7.4.6** Based on the information contained within the final water resources plan, there is sufficient headroom within the Roadford strategic supply area accounting for forecast demand (and not including water efficiency options) over the South West Water planning period which is commensurate with the planning timeframes of Torbay.
- 7.4.7** In the light of this evidence, the Council considers that the impact of water abstraction caused the Local Plan could be discounted. However in the instance where delivery of a particular housing development in a particular location would exacerbate water pollution problems that could affect the Dartmoor SAC, Torbay Council should add a restriction in Policy W5. This should link permission given to development to provision of satisfactory waste water treatment capacity. This would help to reduce the level of pollution and in turn provide additional capacity at the works to accommodate the additional housing without adding to the water quality problems.
- 7.4.8** In summary, there are no immediate issues in relation to future development and water resource supply. Therefore there is unlikely to be a significant effect of the Atlantic salmon migratory routes during the Plan period.

# 8 AVOIDANCE AND MITIGATIONS STRATEGIES

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**8.1.1** Avoidance is the first approach to be taken since such measures provide certainty that the significant effects can be prevented. Where avoidance is not possible, then mitigation measures should be considered. Mitigation can be defined as Measures that avoid or reduce overall potential adverse effects on the integrity of European sites and should be taken into account during the Appropriate Assessment of the impact of a plan or project.

## 8.2 Existing mitigations provided in the Torbay Local Plan

**8.2.1** The Local Plan contains a number of Policies that set out measures to address nature conservation. The majority of the measures focused on reducing and managing adverse impact on the environment including European designations, as illustrated below:

Policy SS8 requires all development to contribute to the conservation and enhancement of the natural assets and setting of the Bay;

Policy SS9 seeks to integrate new development with strategic green infrastructure, and to protect and provide high quality green space at a local level;

Policy C1 requires development to be resisted where this would lead to the loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting;

Policy C2 supports development that conserves the character of the undeveloped coast and seeks to enhance its distinctive landscape, biodiversity, geological, and recreational and cultural value;

Policy C3 requires development not to adversely affect the natural and historic environment of the area, including geodiversity, maritime archaeology and marine ecology;

Policy C4 requires development to off-set any harm to trees, hedgerows or landscape features, and preferably achieve landscape and biodiversity improvements, and make provision for ongoing management;

Policy C5 permits development in Urban Landscape Protection Areas (ULPAs) only where it does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and it makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.;

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance;

Policy ER2 requires development proposals to avoid harm to surface waters (including rivers and coastal waters) and sensitive water-reliant habitats and species and any adverse impacts on the quality and quantity of groundwater and provide appropriate sewerage disposal systems (both foul and surface water). Where possible it should reduce water being discharged into shared sewers;

Policy W5 supports waste water treatment facilities where such proposals aim to improve the quality of discharged water or reduce the environmental impact of the operation of the waste water treatment facility.

**Other existing mitigations include:**

- Requiring provision or enhancement of greenspace which may help reduce recreational pressure on the South Hams if delivered within a timescale linked to that of the development and if the greenspace provide a function similar to that of the SAC.
- Requiring delivery of the measures identified within the Berry Head Conservation Management Plan to control recreational pressure.
- Natural England Guidance on greater horseshoe bat would form the basis of both strategic and project level mitigations.
- The requirement for project HRA.

## **8.3 Further recommendations for avoidance and mitigation**

**8.3.1** Along with the strategic policy mitigation already in place, the following recommendations should be incorporated into the Local Plan to address the issues identified in this AA.

**8.3.2** A series of recommendations for minor modifications to the Local Plan are required to ensure that policies and proposals are not likely to lead to an adverse effect. These recommendations are based on the set of mitigation measures set out in Appendices 5 -7 and supported by HRA evidence provided by Oxford and Associates (2013).

**8.3.3** Implementation of these mitigation measures should ensure that there would be no residual impact of the proposed development on the integrity of the three European sites. These requirements, as well as those set out in the Screening Report, should be addressed through the implementation of the Local Plan. The Council will have to take all possible measures at this tier of planning to ensure that the development to be delivered under the Local Plan will not have an adverse effect upon any of the European sites.

**8.3.4** In order to determine no adverse effects on site integrity, various kinds of mitigation or counter-acting measures are recommended in this section as part of the Appropriate Assessment to ensure that the Local Plan does not result in adverse effects on a European site. These measures are summarised below:

- Case-specific restrictions;
- Case-specific caveats;
- Prescribing how adverse effects on site integrity will be avoided by mitigation measures in a lower tier plan, to be confirmed by a more detailed Habitats Regulations Appraisal at that level;

- Deleting aspects of the plan that will probably fail the tests of the Directive at project application stage;
- Requiring delivery of explicit and bespoke management plans;
- Contribution to a large-scale mitigation strategy.

### **Policies Subject to Case-specific Restrictions**

**8.3.5** As currently worded, the likely outcome of implementing the Plan Policies listed below is uncertain, and therefore the precautionary principle should apply. Therefore, to ensure that these policies do not lead to an adverse effect on a European site, and to ensure that measures are put in place to prevent such effects, these Policies should be subject to case-specific policy restrictions as set out in Appendices 5 - 7.

SS9 - Green Infrastructure

SDT2 - Torquay Town Centre and Harbour Cluster

SDT3 - Torquay Gateway Cluster

SDT4 - Babbacombe and St Marychurch

SDP2 - Paignton Town Centre and Seafront

SDP3 - Paignton North and West

SDP4 - Clennon Valley Leisure Hub

SDB2 - Brixham Town Centre, Harbour and Waterside

SDB3 - Brixham Urban Fringe and Area of Outstanding Natural Beauty

TO1 - Tourism, events and culture

C1 - Countryside and the rural economy

NC1 – Biodiversity and geodiversity

SC2 - Sport, leisure and recreation

W5 – Waste water disposal

### **Policies Subject to Case-Specific Caveats**

**8.3.6** The Policies listed below, if implemented in one or more particular ways through the development management process may have an adverse effect on the integrity of a European site. In these circumstances, case-specific Policy caveats are recommended in order to remove the presumption in favour of development (which the proposal may otherwise enjoy by virtue of it being in accordance with the development plan) if it was implemented in a way that could, or would adversely affect site integrity.

SS7 - Infrastructure, phasing and delivery of development

SS8 - Natural environment

SS12- Housing

C3 - Coastal change management

ES2 – Renewable and low carbon infrastructure

ER2 – Water Management

### **Policies Require Delivery of Explicit and Bespoke Management Plans**

**8.3.7** Uncertainty over likely adverse effects arising from the Policies listed below can be resolved through preparation by the applicant, and approval by the Council, of case-specific mitigation plans.

SS2 - Future Growth Areas:

- Edginswell, Torquay
- Paignton North and West Area Including Collaton St Mary, Paignton
- Brixham Road, Paignton

SDT3 – Torquay Gateway

SDP3 – Paignton North and West Area

SDP4 – Clennon Valley Leisure Hub

SDB1 – Brixham Peninsula

SDB3 - Brixham Urban Fringe and Area of Outstanding Natural Beauty

**8.3.8** Bespoke mitigation plans for each of the above locations should be informed by appropriate and adequate ecological surveys and should deal with the specific effects on locally important features supporting the integrity of the South Hams SAC, before, during and after construction. Such mitigation plans will provide the Council with the means to determine that there will be no adverse effect on the integrity of the site because the proposal will not be permitted unless the Council is satisfied that the mitigation plan proposed will avoid an adverse effect on site integrity.

**8.3.9** A specific recommendation for the wording for each of the above policies is provided in Appendices 5 -7.

**8.3.10** A report by Footprint Ecology (2014) identified that there is evidence to suggest that additional impacts on the Berry Head to Sharkham Point component of the SAC, arising from the level of growth proposed by the Local Plan, are a realistic possibility. The data available suggests that there is a zone of influence of approximately 5km driving distance. The report concluded that the possibility of significant effects cannot be ruled out and mitigation measures will be necessary. The potential mitigation measures identified include:

- (i) the development of a detailed management plan addressing habitat management and visitor use;
- (ii) habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site; and
- (iii) increased visitor engagement work.

# 9 CONCLUSIONS AND RECOMMENDATIONS

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- 9.1.1** The Habitats Regulations Assessment screening process concluded that it was not possible to confirm that the Local Plan, alone or in combination with other plans or projects, would not have a significant effect on South Hams SAC, Lyme Bay and Torbay Marine SAC and Dartmoor SAC. An Appropriate Assessment was therefore carried out under the Conservation (Natural Habitats, &c.) Regulations 1994.
- 9.1.2** However, it is considered that, if the mitigation actions proposed in Section 8 above are implemented, the impacts of additional development will be reduced to an insignificant level. It is ascertained that, with the proposed mitigation, the Local Plan policies will have no adverse effect upon the integrity of any of the European sites and the conservation objectives would be sustained.
- 9.1.3** The Council, in collaboration with the other planning authorities with responsibilities for the South Hams SAC, has commissioned preparation of the Strategic Mitigation Strategy for the South Hams Greater Horseshoe Bat Special Area of Conservation. The proposed Mitigation Strategy will identify the requirements for and provision of measures necessary to mitigate the likely effects of all types of developments (both alone and 'in-combination' with other projects) in all areas where there could be an adverse affect on the integrity of the South Hams SAC due to effects on GHB.
- 9.1.4** Further work will be undertaken by the Council and associated stakeholders to develop, and provide costs for, the mitigation measures identified by the Footprint Ecology report to mitigate increased recreational pressure on the South Hams SAC within the SDB1 policy area. The Council will produce a Supplementary Planning Document to set out the evidence base, mitigation costs and approach for securing developer contributions.
- 9.1.5** As part of this work, a detailed, up-to-date management plan for the Berry Head to Sharkham Point component of the South Hams SAC, addressing habitat management and visitor use, will be developed. This plan will consider existing recreational impact and ensure that management to meet the conservation objectives of the site is progressed in order to fulfill legal obligations relating to the maintenance and restoration of the site interest. The plan will also provide a baseline for the mitigation required to take account of the additional pressure that new housing is likely to bring.
- 9.1.6** The Local Plan should make it clear that its policies and proposals do not provide support to any proposal which would have an adverse effect on the integrity of any European site. It is therefore recommended that the Local Plan HRA outcomes feed into Neighbourhood Plans. It is imperative that project based HRA is undertaken for each planning application. Permission should only ever be granted where it is categorically proven that there will be no adverse impacts on European sites.

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25. The Torbay Council Draft Water Cycle Study (2011)
26. The Torbay Green Infrastructure Delivery Plan (2010)
27. Torbay Local Transport Plan 3, Habitats Regulations Assessment (2011)

# APPENDICES

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# 11 APPENDIX 1: GLOSSARY

Term/ Acronym	Full Title	Definition
AA	Appropriate Assessment	The process under Article 6(3) of the Habitats Directive whereby the potential effects of a plan or project upon a Special Protection Area or Special Area of Conservation are assessed to determine whether an adverse effect can be avoided. Also the term for the discreet Stage 2 of Habitats Regulations Assessment.
Conservation objectives		A statement of the nature conservation aspirations for a site, expressed in terms of the favourable condition required for the habitats and / or species for which the site was selected.
DCLG	Department of Communities and Local Government	This is a Central Government department charged with the responsibility for planning.
European sites		Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites.
Habitats Directive		The commonly used name for the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna. The Habitats Directive establishes a network of internationally important sites designated for their ecological status.
In-combination effects		The cumulative effects caused by the project or plan under consideration together with the effects of any existing or proposed projects or plans.
Integrity		Integrity is described as the sites coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified.
IROPI	Imperative reasons of overriding public interest	Set out in Article 6(4) of the Habitats Directive, permits, in limited circumstances, a plan or project to go ahead even after an AA has identified an adverse effect to a European site.
JNCC	Joint Nature Conservation Committee	The statutory adviser to Government on UK and international nature conservation.
MARPOL		The international Convention for the Prevention of Pollution from Ships
Mitigation measures		Measures taken to reduce the impact on site integrity to the point where it no longer has adverse effects.
Natura 2000 sites		Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as European sites.
NE	Natural England	National environmental agency, whose remit includes integrated resource management, nature conservation, biodiversity, landscape, access and recreation.
Precautionary principle		Where there is incomplete information about the nature or extent of an effect the precautionary principle requires action to be taken to prevent harm in the absence of complete certainty about the adverse effects.

<b>Term/ Acronym</b>	<b>Full Title</b>	<b>Definition</b>
PSAC	Possible SAC	A site that has been formally advised to the UK Government for designation as a SAC, but has not yet been submitted to the European Commission (at which point it will become a Candidate SAC).
Ramsar sites		Sites which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance (Ramsar Convention).
S106	Section 106 Agreement	Legal agreement between the Council and a developer relating to planning obligations.
SA	Sustainability Appraisal	Assessment that considers social, environmental and economic effects of a plan.
SAC	Special Areas of Conservation	Internationally important areas designated under the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna.
cSAC	Candidate Special Area of Conservation	A candidate area for the SAC (see above).
SEA	Strategic Environmental Assessment	Derived from the SEA Directive 2001/42/EC which took effect in July 2004. SEA involves the systematic identification and evaluation of the impacts of a strategic action (e.g. a plan or programme) on the environment. Applies to documents such as the Local Development Framework.
SPA	Special Protection Area	Internationally important areas designated under Article 4 of the Birds Directive (Directive 79/409/EEC) to conserve the habitats of certain listed rare or vulnerable species and the habitats of regularly occurring migratory species.
SSSI	Sites of Special Scientific Interest	Nationally important areas of land, designated under Section 28 of the Wildlife and Countryside Act 1981 by English Nature as being of a special interest by reasons of their flora, fauna, geological or physiogeographical features.
WFD	Water Framework Directive	The European Water Framework Directive (WFD) came into force in December 2000 and became part of UK law in December 2003. It provides an opportunity to plan and deliver a better water environment, focusing on ecology. It provides an opportunity to plan and deliver a better water environment through river basin management planning.

# 12 APPENDIX 2: CONSULTATION RESPONSE

Our Reference: CO33019  
Your Reference: draft HRA screening

Date: 5<sup>th</sup> October 2011



Ashwag Shimin, Strategic Appraisal Officer  
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Spatial Planning  
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Dear Ashwag,

**Re: Torbay Core Strategy draft Habitats Regulations Assessment Screening Report (September 2011)**

Thank you for consulting Natural England on the above proposal. Your Habitats Regulations Assessment (HRA) screening report was received by this office on 9<sup>th</sup> September 2011 attached to your email. Thank you for agreeing to extend the deadline on our consultation.

Based on the information provided, **Natural England does not agree with the conclusions of the HRA screening** on the grounds of insufficient information to determine impacts upon the interest features associated with the designated European sites relevant to the screening report. The lack of supporting information and inadequate presentation of the reasons for the conclusions of the assessment means that there is sufficient uncertainty associated with the rigour of the screening. The table in Appendix 6a does not provide information relating to assessment. On this basis, it is **not possible** to conclude that the draft Core Strategy will not have an adverse effect on the integrity of the European Site.

We suggest that the HRA screening is updated and reviewed in line with relevant guidance and other adopted HRA screening carried out by other Local Planning Authorities. This guidance should include (this list is not exhaustive):-

- Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents (DCLG 2006)
- The Habitats Regulations Assessment of Local Development Documents (Tyldesley, NE 2009)
- South Hams SAC – Greater horseshoe bat consultation zone planning guidance (NE 2010)
- Berry Head Conservation Management Plan 2007-2017 (TCCT)

The screening assessment will need to include all of the relevant interest features of the European sites, and comprehensively establish the relevant risks/vulnerabilities. We are surprised the screening report contained no references to the *South Hams SAC – Greater*

*Natural England is working to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promote access, recreation and public well-being, and contribute to the way natural resources are managed so that they can be enjoyed now and by future generations.*

*horseshoe bat consultation zone planning guidance (NE 2010)*. This guidance provides important evidence and information relating to the greater horseshoe bat that will need to be incorporated as part of the screening exercise.

We have not yet been consulted on the draft Core Strategy, and assume that this consultation will be forthcoming. By way of background, we refer you to letter from my colleague Simon Dunsford dated 22<sup>nd</sup> October 2009.

**If the screening is amended with additional information, Natural England should be re-consulted for a further 21 days. You will need to inform Natural England if you do not intend to review the HRA screening report.**

If you have any queries relating to the content of this letter, please do not hesitate to contact me on the address provided at the top of this letter.

Regards,

*Julien*

**Julien Sclater**  
*Lead Adviser*  
Land Use Team



[Julien.R.Sclater@naturalengland.org.uk](mailto:Julien.R.Sclater@naturalengland.org.uk)

**Please note that from the 1 April all consultation with Natural England should be sent to our Consultation Hub at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) or sent to the address at the top of this letter**

08 December 2011

Our ref: 37874



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**BY EMAIL ONLY**

Dear Ashwag

**Torbay Core Strategy: Draft Habitats Regulations Assessment - Screening Report (November 2011)**

1. Thank you for your consultation dated 7 December 2011, which we received on the same date. We are grateful to you for allowing additional time in which to respond.
2. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Overview**

3. The draft document is a significant improvement on the previous draft and has taken account of the comments set out in our letter of 5 October 2011. It sets out a more detailed and thorough evidence base and is presented more in accordance with accepted practice.
4. That said, we do still have concerns about the overall conclusion in respect of the growth policies and the response to it. On the basis of this screening exercise, the Council has not been able to establish that the plan will not adversely affect the integrity of a European site. Ordinarily, this should trigger an Appropriate Assessment of the plan.
5. However, the Council has concluded that an Appropriate Assessment of the plan cannot be undertaken at this stage due to the lack of specific development design detail. As a result, it has placed a very heavy reliance upon lower tier assessment of the plans and projects provided for by the Core Strategy "down the line".
6. While we accept that the higher the level of a plan in the hierarchy the more general and strategic will be its provisions, the protective regime of the Habitats Directive is intended to operate at differing levels. We are not yet persuaded by the evidence presented that that it is not possible to undertake a meaningful assessment of the effects of at least some of the policies of the Core Strategy upon European sites.
7. Indeed, for certain types of potential impacts, such as those that relate to the location of and quantity of change, it is often necessary to undertake an assessment at Core Strategy level. That is because it is only at Core Strategy level that any necessary changes to the plan can be introduced to

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avoid likely significant effect upon European sites.

8. In this case, for instance, it is the Core Strategy that sets the overall magnitude of growth for Torbay that will determine the additional demand for water supply and hence the future level of additional abstraction from Dartmoor. Similarly, the Core Strategy sets out the spatial distribution of provision and it may be necessary to consider adjusting that, or reducing the scale of provision, in the vicinity of Berry Head in order to reduce recreational pressure.

9. Of course, we would not expect Appropriate Assessment of the plan to be at the level of detail of a project level assessment and it would not remove the need for detailed lower tier assessment of plans and projects "down the line". None the less, we recommend the Council reconsider the need to subject the Core Strategy to Appropriate Assessment.

10. In the event the Council remains of the view that an Appropriate Assessment of the plan is not feasible and elects to rely upon assessment "down the line" we recommend that it ensure that the policy content of the Core Strategy is worded in such a way as to avoid constraining lower tier plans or projects in ways that would prevent their nature and/or scale and/or location being altered if assessment shows that adverse effects a cannot be avoided.

11. We also recommend that the plan include a reference to the requirement for "down the line" assessment where that is necessary. This could be within each relevant policy - preferably with an indication of potential impacts to be addressed. Alternatively, the plan might cross reference the Habitats Regulations Assessment and make it a requirement that development proposals will be subject to "down the line" assessment wherever the document has identified a need.

#### Detailed comments

12. Our detailed comments are as follows and are set out following the section headings and numbers used in the draft document.

#### Section 1 - Introduction

##### 1.3 Summary of previous stages

13. The final two sentences appear to contradict one another. On one hand, suggesting that for certain options an Appropriate Assessment would not be necessary. On the other, suggesting that an Appropriate Assessment would be necessary for all options. If the effect of the plan upon any European site is uncertain then an Appropriate Assessment of the plan should be undertaken.

#### Section 2 - Method

14. The definition of significant effect taken from the (draft) Natural England guidance document should read *"Any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects."*

#### Section 3 - Identification of European sites and characterisation

##### 3.1 South Hams SAC

15. Reference to the fact that the vulnerabilities of the bat population are not limited to within the SAC itself is welcome. This might be elaborated further through explaining that *"disturbance and damage to wider countryside feeding and commuting routes, such as agriculturally unimproved grassland, woodlands and hedgerows, can also have a detrimental impact on the population."*

## Section 5 - Identification of potential effects upon European sites

16. For added clarity, it may be helpful to explain that Table 5.1 is intended to summarise *“the main factors that may affect the integrity of Natura 2000 sites as a result of the effects of the plan.”*

### 5.1 South Hams SAC

17. It might be helpful to insert an additional sentence in the third paragraph to explain that *“Greater horseshoe bats are particularly light sensitive and tend to avoid areas that are subject to artificial illumination.”*

### 5.3 Dartmoor SAC

18. The further measures recommended by the Environment Agency in the Roadford Water Zone are not explained. It would be helpful to explain whether it is considered that these would be sufficient to avoid a likely significant effect in Dartmoor SAC and whether those measures could be delivered through developer contributions.

## Section 6 - Assessment of the likely Significant Effects on European Sites

### 6.1 Core Strategy Preferred Growth Option Policies

19. The recommended amendment to Policy GS1 to include a requirement that *“new development and infrastructure should avoid significant and cumulative impacts on European sites”* is welcome. This type of wording is helpful in dealing with situations where effects on European sites are uncertain because they depend upon how the plan is implemented.

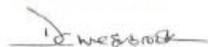
20. The amendment might be more effective still if it can also be extended to specifically deal with the issues that give rise to the uncertainty. It would be helpful to list those issues within the plan and, in relation to each, embed requirements around the types of measures that may be required to avoid or mitigate significant impacts.

21. For example, in the case of *“loss of supporting habitats and disturbance to greater horseshoe bat strategic flyways and sustenance zone”* this could be achieved through inserting additional wording to the effect that *“development will be expected to adhere to the guidance within the South Hams SAC - Greater horseshoe bat consultation zone planning guidance.”*

22. We trust the above will be of assistance. For any queries relating to this consultation you are welcome to contact me directly: Email: [david.westbrook@naturalengland.org.uk](mailto:david.westbrook@naturalengland.org.uk) or telephone: 0300 060 2010. For all other consultations and correspondence, please contact the above address.

23. Thank you for your consideration.

Yours sincerely



David Westbrook  
Land Use Operations

07 June 2012

Our ref: 51301



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**BY EMAIL ONLY**

Dear Ashwag

**Torbay Core Strategy: Draft Habitats Regulations Assessment – Appropriate Assessment Report (April 2012)**

1. Thank you for your consultation dated 18 April 2012, which we received on the same date. Thank you for your patience in awaiting a reply.
2. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
3. We welcome the fact that the Council has elected to undertake an Appropriate Assessment at Core Strategy level rather than rely solely upon “down the line” assessment, in line with our earlier advice (our letter of 8 December 2011).
4. We are grateful to you for sharing the draft Appropriate Assessment report at this stage. On the basis of the information we have seen we are broadly supportive but have a number of comments and observations to offer. They follow the structure of the draft report:

**Introduction (Section 1)**

5. The introduction explains that the Appropriate Assessment should be read in conjunction with the revised screening report. From Section 3, we assume that this is a version of the HRA screening report produced following consultation with ourselves in October and December 2011.
6. We do not appear to have a copy of that report and have not been able to locate it on the Council’s website. We would be grateful if you could forward a copy for our inspection and would also appreciate a copy of the most up to date version of the Core Strategy itself.
7. We may be able to provide more helpful comment in light of being able to read all of the documents in conjunction.

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## **Appropriate Assessment (Section 4)**

### **South Hams SAC (Section 4.1)**

8. It may be helpful to explain that the first paragraphs under Section 4.1 relate to the calcareous grassland at Berry Head.
9. The provision of greenspace in accordance with the accessible natural greenspace standard should help to divert some visitor pressure away from Berry Head. Where there is a reliance upon such a measure it is often helpful to collect evidence (for example, through social surveys) to demonstrate how effective the alternative natural greenspace provision is likely to be.
10. The degree to which there is a reliance on the provision of alternative natural greenspace to avoid a likely significant effect is not clear to us. If there is a strong reliance, as opposed to the measure providing an additional level of comfort, then we recommend the Council considers gathering some information to demonstrate its efficacy in this situation.
11. There is clearly a heavy reliance upon measures to control recreational pressure at Berry Head itself. These should include, but also extend beyond, raising the awareness of visitors. The measures to control recreational pressure set out in the Berry Head Conservation Management Plan (2007 - 2017) include physical management in addition to interpretation. It might be helpful for the draft report to summarise the measures that are required.
12. With regard to the paragraphs relating to greater horseshoe bats we are unclear as to what is meant by the first sentence of paragraph 4 *"It was accepted that much of these are outside the direct control of the Core Strategy"*. There are clearly influences upon the bats that are outside the direct sphere of influence of the Core Strategy but there are also many influences that lie within it.
13. The approach, in this instance, does appear to be to defer to lower tier plan and project level assessment, although paragraph 5 refers to the use of the Natural England *South Hams SAC - Greater horseshoe bat consultation zone planning guidance* for strategic as well as project level mitigations. Some further explanation of the rationale behind the approach would be helpful.
14. Mitigation for greater horseshoe bats will often be possible at the level of individual developments but this may not always be the case. For example, the above guidance refers to the **strategic flyways connecting key SAC roosts through urban areas/urban fringe with the surrounding countryside being particularly sensitive to development pressure. These are referred to as "pinch points" because there may be a lack of alternative commuting features.**
15. We suggest the Core Strategy will need to make clear that in any such circumstances where mitigation is not possible permission development will not be supported.
16. Of course, it is better to avoid the risk of such a scenario in the first instance. We would be interested to learn whether there is scope for any further assessment at this level? For example, can the distribution of strategic flyways and sustenance zones inform development allocations? Where there is overlap between development allocations and these zones could some outline consideration be afforded the feasibility of successful mitigation?

### **Lyme Bay and Torbay Marine cSAC (Section 4.2)**

17. Sustainable Urban Drainage Systems (SUDS) can be a key tool in reducing diffuse pollution but need to be designed with this in mind for maximum effect. We suggest this is reflected in the wording of Policy EL3.
18. Paragraph 2 refers to EIA and HRA of Neighbourhood plans and projects. We question whether Neighbourhood plans would be likely to be subject to EIA.

19. It might be helpful to elaborate paragraph 3 on recreational to more clearly reference and explain the measures in place and proposed to reduce human disturbance to sensitive habitats and species of the cSAC. That would provide a fuller explanation behind the assumption that the impacts of additional development from the Core Strategy will be "slight to moderate".

20. Some further explanation behind the use of "slight to moderate" would also be helpful. A moderate impact upon a highly valued or sensitive receptor might be considered significant which is clearly not what the reader is intended to conclude here.

#### **Dartmoor SAC (Section 4.3)**

21. The suggestion that "where delivery of a particular housing development in a particular location would exacerbate water pollution problems that could affect the Dartmoor SAC, Torbay Council could add a restriction on Policy GS1 which prohibits permission being given until such time as the waste water treatment works have been upgraded" is supported.

22. The Council has identified a potential impact pathway and on the basis that Appropriate Assessment should embody the precautionary principle we suggest making this a firm requirement of the Core Strategy.

#### **Conclusions and Recommendations (Section 6)**

23. Paragraph 3 is strongly supported and represents an important safeguard. We encourage the Council to ensure that the principles therein will be clearly embedded within the final Core Strategy.

#### **Appendix 2: Appropriate Assessment Matrix**

24. The finding for Lyme Bay and Torbay Marine cSAC that mitigation measures for water run-off pollution are "not within the remit of the Core Strategy" would benefit from further explanation. Mitigation measures to help tackle this potential impact pathway through the Core Strategy are described elsewhere in the draft report.

25. We trust the above will be of assistance. For any queries relating to this consultation you are welcome to contact me directly: Email: [david.westbrook@naturalengland.org.uk](mailto:david.westbrook@naturalengland.org.uk) or telephone: 0300 060 2010. For all other consultations and correspondence, please contact the above address.

26. Thank you for your consideration.

Yours sincerely



David Westbrook  
Land Use Operations

Date: 16 November 2012  
Our ref: 65720  
Your ref: -



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Dear Zdzisia

**Consultation on 'A Landscape for Success: The Plan for Torbay to 2032 and beyond'**

Thank you for your consultation on the above dated 28 September 2012 which was received by Natural England on 28 September 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**General**

Overall we are satisfied that the draft Plan provides a generally positive policy framework for accommodating the development requirements for Torbay over the plan period. The preferred option is for *Constrained Balanced Growth* and the proposed quantum, type and broad locations for development appear to be based on sound evidence and able to be accommodated without resulting in significant adverse effects on the natural environment.

We welcome the recognition throughout the draft Plan of the social, economic and environmental importance of Torbay's high quality natural environment and the need for new development to avoid adverse impacts and to positively contribute to its protection and enhancement wherever possible.

We broadly support the proposed policies for the natural environment, green infrastructure, the countryside and urban landscape, biodiversity, geodiversity and the coast. We particularly welcome the references to the Torbay Green Infrastructure Delivery Plan, the Torbay Biodiversity Action Plan and the Berry Head Conservation Management Plan.

With respect to the biodiversity and geodiversity policy, we are pleased to note the explanatory text refers to the South Hams Special Area of Conservation (SAC) and the need to ensure the flight paths for bats are maintained and there is suitable provision for their activity, including foraging, roosting and mating. However please see our comments below regarding the Habitats Regulations Assessment.

**Terminology**

Policy E 3 Marine Economy explanatory text includes a reference to marine ecology, biodiversity and geological interest, and states that where significant harm cannot be avoided, appropriate compensatory measures should be sought.

While compensatory measures may be appropriate in some circumstances for non statutory sites or features, the Plan would benefit by clarifying that with respect to European protected sites, such as Lyme Bay and Torbay Marine cSAC, compensation is a last resort and would require a determination of Imperative Reasons of Overriding Public Interest (IROPI) from the secretary of State. We therefore advise that the explanatory text for policy E3 is amended to reflect this.

### **Habitats Regulations Assessment**

We are pleased to note that the draft Plan has addressed many of the points raised by Natural England in our previous responses and welcome the additional assessment that has been undertaken. We consider that the draft Plan has been meaningfully informed by an understanding of the European and internationally designated sites within and close to the Plan area, including in terms of their potential sensitivities to the effects of development.

We are also pleased that the draft Plan explicitly does not provide support to any proposal which would have an adverse effect on the integrity of any European site and makes it clear that there may be a need for project based assessments.

We support the HRA (6.1) recommended amendments to Policy SD1 "*new development and infrastructure should avoid significant and cumulative impacts on European sites*" and "*Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance*".

These safeguards, coupled with the implementation of the measures set out in *Section 5 Avoidance and Mitigation*; appear robust and likely to be effective. Therefore, provided the HRA recommendations are incorporated into the draft Plan, we are satisfied the conclusion that the draft Plan will have no adverse effect upon the integrity of any of the European sites and that conservation objectives would be sustained, appears reasonable.

### **Neighbourhood plans**

Notwithstanding the above, the draft Plan makes references to the important role of the three neighbourhood plans and the influence these will have on future development decisions. Although neighbourhood plans are required to be in general conformity with the Local Plan policies and other higher tier plans, such as the Local Transport Plan, most growth within Torbay has been allocated to the neighbourhood plan areas.

While we understand the neighbourhood plans will be underpinned by a range of relevant positive policies, the draft Plan is intentionally not prescriptive in terms of exact location or design. We therefore agree that it is likely that the neighbourhood plans will need to be subject to sustainability appraisal and habitats regulations assessment to ensure their policies and proposals are fully informed by the further level of detail and information that will become available. The Council, as Competent Authority, will be responsibility for further assessment of neighbourhood plans.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Amanda Grundy on 0300 060 1454. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Amanda Grundy  
Lead Adviser, Sustainable Land use

# 13 APPENDIX 3: RELEVANT PLANS AND PROGRAMMES REVIEW

Devon and Torbay Local Transport Plan 3 2011-2026	
Aim of the document	Elements of the plan that could cause 'in-combination' effects
<p>Devon &amp; Torbay's transport system will offer business, communities and individuals safe and sustainable travel choices. The transport system will help to deliver a low carbon future, a successful economy and a prosperous, healthy population living in an attractive environment.</p> <p>Over the next 15 years Devon &amp; Torbay will need to diversify and grow the economy, but just as importantly develop a low carbon transport system that offers choice and encourages sustainable travel behaviour. To achieve Devon &amp; Torbay's vision the strategy has five key objectives:</p> <ul style="list-style-type: none"> <li>• Deliver and support new development and economic growth</li> <li>• Make best use of the transport network and protect the existing transport asset by prioritising maintenance</li> <li>• Work with communities to provide safe, sustainable and low carbon transport choices</li> <li>• Strengthen and improve the public transport network</li> <li>• Make Devon the 'Place to be naturally active'</li> </ul>	<p>The accompanying Implementation Plan sets out the transport schemes to deliver this strategy. It is divided into three 5 year time scales to cover the Plan period up to 2026.</p> <p>Priorities for Torbay's third Local Transport Plan includes:</p> <ul style="list-style-type: none"> <li>• Enabling economic growth and development</li> <li>• Enhancing Torbay's built and natural environment</li> <li>• Improving health and activity levels</li> <li>• Improving access to education, employment and services</li> <li>• Making the big connections</li> </ul> <p>Potential effects on European sites may relate to direct impacts (from infrastructure projects), air pollutions impacts, and increased accessibility, which could lead to increased visits to European sites.</p>
Devon County Council Waste Local Plan (adopted) 2014	
Aim of the document	Elements of the plan that could cause 'in-combination' effects

<p>The Devon Waste Plan provides the policy framework for decisions by Devon County Council on planning applications for waste management development over the period to 2031, and builds on the progress made since adoption of the previous Waste Local Plan in 2006.</p> <p>The area covered by the Devon Waste Plan is that for which Devon County Council is the waste planning authority, which excludes Plymouth, Torbay and the National Parks of Dartmoor and Exmoor. However, development of the Waste Plan has had close regard to Devon's relationships with these and other neighbouring areas to ensure that cross-boundary waste issues are addressed.</p>	<p>Potential for impacts on European sites, dependent on location of waste management facilities.</p> <p>Policy W3: Spatial Strategy explains the Waste Plan's approach to the distribution of waste management facilities, including the identification of Exeter, Barnstaple and Newton Abbot as the foci for strategic waste development and provision for other waste facilities at Devon's other market and coastal towns.</p> <p>be potential for inert waste recycling and the composting of greenwaste.</p>
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**Devon County Council Minerals Local Plan (adopted) 2004**

<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The objectives of the Minerals Local Plan are as follows:</p> <ol style="list-style-type: none"> <li>1. To strike a balance between the demand for all mineral resources and the need to protect the environment, having regard to the principles of sustainable development.</li> <li>2. To maintain a stock of permitted reserves (a landbank) for aggregate minerals, in accordance with current Government advice.</li> <li>3. To encourage the most appropriate use of all mineral resources and the re-use of waste minerals and secondary aggregates, in order to reduce the requirement for new primary resources to a minimum.</li> <li>4. To protect the quality and the diversity of the County's earth science and nature conservation interest, historic environment, water environment and landscape character.</li> <li>5. To identify Mineral Working Areas, which will</li> </ol>	<p>Sites within close proximity to Torbay Council's administrative boundary.</p> <p><b>Inset Plan 34 Zig Zag</b> – The site produces various aggregate products from working its own reserves as well as continuing to supply coloured mortars from the importation of aggregates from various sources.</p> <ul style="list-style-type: none"> <li>• Proposal: Inset 34.1</li> </ul> <p>The MPA will encourage the establishment and protection of a suitable Greensand exposure in the Zig Zag Quarry to complement the existing Aller Sand Pit SSSI.</p> <p><b>Inset Plan 35 Stoneycombe</b> - Quarrying of the limestone involves blasting and subsequent crushing and screening to prepare the rock for sale. The site also contains a pre-cast concrete manufacture, coated roadstone manufacture and a ready mixed concrete plant. Mineral production generates large quantities of silt from the stone working process.</p> <ul style="list-style-type: none"> <li>• PROPOSAL: INSET 35.1</li> <li>• The MPA will analyse the results of the monitoring of the water environment in order to ensure that quarrying does not result in unacceptable adverse impacts on the underlying geology and karst features.</li> <li>• PROPOSAL: INSET 35.2</li> </ul>

<p>provide for the continued extraction of minerals, having regard to the need to avoid demonstrable harm to interests of acknowledged importance.</p> <p>6. To ensure, in consultation with local communities, that mineral sites are progressively restored to a beneficial after-use.</p> <p>7. To prevent the sterilisation of proven mineral resources by other forms of development.</p> <p>8. To identify those mineral sites which the County Council will seek to remove the possibility of their reopening by the service of Prohibition Orders.</p>	<ul style="list-style-type: none"> <li>• The MPA will monitor lorry movement from the site to ensure that the agreed lorry routing scheme is adhered to.</li> <li>• PROPOSAL: INSET 35.3</li> <li>• The MPA will review the lorry routing agreement if and when the Kingskerswell By-pass is constructed.</li> <li>• PROPOSAL: INSET 35.4</li> <li>• The MPA will seek to preserve the remaining part of Miltor Mator Common.</li> </ul>
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**South Devon and Dorset SMP Review 2009 (SMP 2)**

<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The Shoreline Management Plan (SMP) sets sustainable coastal defence strategies for the future management of the shoreline. The document sets out a number of overall shoreline management objectives, which can be divided into three levels; Core Coastal Defence Management Objectives, General Strategic Management Objectives and Management Unit-Specific Objectives. The shoreline is broken down into a number of Coastal Process Units and given specific objectives for that area.</p>	<p>The approach taken to coastal defences may impact upon coastal habitats through direct land take and changes to coastal processes.</p>

**Torbay Council Local Plan 1995-2011**

<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The Torbay Local Plan was adopted in April 2004 and sets out a range of policies and proposals. Although working to Devon Structure Plan housing figures (rather than Regional Spatial Strategy figures), it contains a number of developments that have not yet been implemented. The Local Plan</p>	<p>As a result of Local Government Review (April 1998) Torbay Council inherited responsibilities as the Waste Planning Authority (WPA), in addition to its existing role as the Waste Collection Authority (WCA). It also became the Mineral Planning Authority (MPA). Waste and Minerals policies are currently set out in the Waste &amp; Minerals Chapter of the Adopted Torbay Local Plan (1995-2011). These policies deal with the land use implications of the production, collection, reprocessing and disposal of waste in Torbay and with the land-use issues arising from the</p>

<p>also proposes to achieve a large proportion of new housing (at least 65%) on previously developed urban land during the plan period to 2011.</p>	<p>winning and working of minerals.</p>
<p><b>Torbay New Growth Point: Programme of Development 2008</b> (Note: proposals now largely superseded by [or embraced by] the new Torbay Local Plan )</p>	
<p><b>Aim of the document</b></p>	<p><b>Elements of the plan that could cause 'in-combination' effects</b></p>
<p>The Growth Point Programme is a tool for meeting the Community Plan objectives and delivering a step change in sustainable development in Torbay. It seeks to deliver sustainable development, to meet Torbay's pressing needs for housing and economic regeneration. In particular this programme identifies infrastructure constraints that need to be overcome in order to unlock development potential. The capacity on the A380 'western corridor' is considered to be a major issue as it is the main road serving the south of Torbay.</p>	<p>MEETING TORBAY'S HOUSING GROWTH</p> <p>In-combination effects may arise from increased housing growth and additional development at Brixham, discussed in this document.</p> <p><b>Short Term – 2007/08</b></p> <p>The regeneration of Brixham Harbourside, waterfront and central car park will be progressed to provide mixed use development including residential, retail and employment uses.</p> <p><b>Medium Term - 2008/2011</b></p> <p>Regeneration proposals in Torquay Harbourside and town centre, together with Paignton town centre, are likely to be commenced by 2011 with associated delivery of new housing as part of mixed use developments. The implementation of regeneration proposals in Brixham is also likely to take place partly in this period, particularly at Freshwater Quarry.</p> <p><b>Infrastructure Needed To Deliver Sustainable Growth</b></p> <p>There is a need to improve accessibility to the south of Torbay along the A380 West of Paignton, which is known as the "Western Corridor". Resolving the infrastructure constraint is essential to implementing a range of development in the south of Torbay including:</p> <ul style="list-style-type: none"> <li>• Allowing a modal shift to more sustainable forms of travel by improving conditions and ease of travel for pedestrians, cyclists and public transport.</li> <li>• Housing at Great Parks (up to 500 dwellings on sites proposed in the Torbay Local Plan).</li> <li>• Improving accessibility of existing employment land at Yalberton and Long Road.</li> <li>• Employment proposals at Long Road South and Yalberton Road, which are set out in the Local Plan.</li> <li>• Regeneration proposals in Brixham.</li> <li>• Any further development proposals to emerge through the Local Development Framework Core Strategy.</li> </ul>
<p><b>Turning the Tide for Tourism in Torbay Strategy 2010 – 2015</b></p>	
<p><b>Aim of the document</b></p>	<p><b>Elements of the plan that could cause 'in-combination' effects</b></p>

<p>The revised strategy, 'Turning the Tide for Tourism in Torbay' will build on the success of the Tourism in Torbay 2005-2015 strategy.</p> <p>The strategy will move forward with much greater emphasis placed on market led product development and modernising the current tourism offering.</p>	<p>The key potential in-combination effects arise from the product development of the major towns in English Riviera:</p> <ul style="list-style-type: none"> <li>• Torquay</li> <li>• Paignton</li> <li>• Brixham</li> <li>• Babbacombe</li> <li>• Cockington</li> </ul>
<p><b>Torbay Community Plan 2011+</b></p>	
<p><b>Aim of the document</b></p>	<p><b>Elements of the plan that could cause 'in-combination' effects</b></p>
<p>The Torbay Community Plan sets out a vision for Torbay based upon four themes: Pride in the Bay; Stronger Communities; Learning and Skills for the Future and the New Economy.</p>	<p>Unlikely to have an effect- it is the Torbay Local Plan, which is the spatial implementation of the Community Plan vision and which is therefore more likely to cause in-combination effects.</p>
<p><b>Torbay Economic Strategy 2010-2015</b></p>	
<p><b>Aim of the document</b></p>	<p><b>Elements of the plan that could cause 'in-combination' effects</b></p>
<p>The Economic Strategy is the overarching document setting out the direction Torbay wishes to see the economy move.</p>	<p>It is expected that the economic strategy will be used to:</p> <ul style="list-style-type: none"> <li>• Set the strategic direction for economic prosperity in Torbay</li> <li>• Influence and inform policy and investment priorities which affect Torbay including those made by Torbay Council and its partners, regional, national and European bodies</li> <li>• Maximise collective action and partnership working to support the economy</li> <li>• Ensure Torbay Council has a strong narrative to underpin its civic leadership role and increasing accountability for economic development and regeneration working with private, community and voluntary, and other public sector partners</li> <li>• Inform the actions and priorities of the Torbay Economic Development Company</li> </ul>
<p><b>Tor Bay Harbour and Maritime Strategy (2007 – 2017) 'catching the wave'</b></p>	
<p><b>Aim of the document</b></p>	<p><b>Elements of the plan that could cause 'in-combination' effects</b></p>
<p>The strategy identifies the issues and opportunities facing Tor Bay Harbour and the Bay's maritime environment in the future, and sets out a cohesive and forward thinking plan to ensure that the harbour not only operates effectively, but that appropriate use is made of all water and harbour side facilities</p>	<p>This strategy will seek to position the Bay, and its waterside offer, as vibrant, exciting and interesting; providing quality events and activities, together with a warm welcome; whilst raising the profile and reputation of the excellent local catch – the fruit of the sea. To achieve this, a clear action plan must be in place and supported across Torbay. The main pillars of this action plan are:</p> <ul style="list-style-type: none"> <li>• Strategy and policy;</li> </ul>

<p>and opportunities are maximised.</p> <p>The objective of the strategy is to protect and enhance what we have whilst at the same time deriving sustainable economic and social benefit. The underlying principle is that this strategy will have sustainable development at its core, so that we can deliver our economic, social and environmental objectives.</p>	<ul style="list-style-type: none"> <li>• Operation and service delivery;</li> <li>• Research;</li> <li>• Infrastructure development;</li> <li>• Coastal zone management and sustainability; and</li> <li>• Product development, events and promotion</li> </ul> <p>Infrastructure development has the greatest potential for in-combination effects as it proposes that the TDA will:</p> <ul style="list-style-type: none"> <li>• improve and increase our mooring provision</li> <li>• assess the potential for harbour expansion, particularly considering <ul style="list-style-type: none"> <li>○ A Northern Arm, Brixham</li> <li>○ Improvements to Brixham Inner Harbour</li> <li>○ Extension of East Quay at Paignton Harbour</li> <li>○ Expansion of existing infrastructure to create additional sheltered waterspace</li> <li>○ A Town Dock</li> <li>○ Inner harbour pontooning at Torquay harbour</li> </ul> </li> <li>• support the development of the harbour as a commercial and recreational port</li> <li>• endeavour to improve facilities for the embarkation and disembarkation of passengers from pleasure boats and visiting vessels</li> <li>• consider best practice in harbour regeneration elsewhere to assess the potential for Tor Bay</li> <li>• work with private sector operators to consider commercially viable opportunities for the enclosed waterspace, including floating restaurants, and vessels of special interest.</li> </ul>
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**South Hams Core Strategy (Adopted)**

<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The Core Strategy contains the planning vision and strategy for the district, setting out overall levels of new housing and employment land over the period 2001-2016. It also explains the Council's preferred general distribution of that development.</p>	<p>Overall the Core Strategy requires 6,000 new homes on allocated sites across the District by 2016. The Strategy aims to accommodate the majority of new development in the new community at Sherford (4,000 houses by 2016), close to Plymouth and at the Plymouth Urban Fringe in the South Hams part of the Plymouth Principal Urban Area (500 houses). Remaining allocations will be met through development in existing market towns and centres. The Core Strategy aims to accommodate 50 per cent of new housing on previously developed land. It also requires the provision of 62 hectares of employment land between 2001 and 2016, with 42 hectares of this located at the Plymouth Principal Urban Area (at Sherford New Community, Langage Employment Estate and Roborough). Most of the remaining allocations are at the Area Centres of Dartmouth, Ivybridge, Kingsbridge and Totnes.</p>

**Appropriate Assessment Advice on South Hams District Council Core Strategy 2006**

<b>Aim of the document</b>	<b>Summary of HRA findings</b>
<p>The document examines whether the South Hams District Council Core Strategy is likely to have any significant effects on European sites.</p> <p>The report identified seven Natura 2000 sites that could potentially be affected by the LDF Core Strategy, these were:</p> <ul style="list-style-type: none"> <li>• Dartmoor SAC;</li> <li>• Plymouth Sound &amp; Estuaries SAC;</li> <li>• Tamar Estuaries Complex SPA;</li> <li>• South Hams SAC;</li> <li>• South Dartmoor Woods;</li> <li>• Blackstone Point; and</li> <li>• South Devon Shore Dock SAC.</li> </ul>	<p>The South Hams Core Strategy concentrates development at the Sherford New Community, close to the Plymouth PUA, and at the PUA itself. It is considered that the Sherford development has the greatest potential (in terms of the overall Core Strategy) to impact upon European sites of nature conservation significance, due to the scale of the development and its proximity to Plymouth Sound &amp; Estuaries SAC, Tamar Estuaries Complex SPA and Dartmoor SAC.</p> <p>Due to the focus of the remaining housing and employment on existing market towns, on previously developed land, the potential for impact on European sites is considered negligible, and no further assessment is considered necessary. However, the potential for impacts may need to be re-assessed if further clarification or changes to development boundaries are made in future Development Plan Documents.</p> <p>Notwithstanding the above, the Core Strategy is considered to contain significant mitigating factors to ensure no adverse impacts on European sites. This includes work undertaken for the SA/SEA of the Core Strategy, and the inclusion of strong policies that ensure protection of sites of nature conservation importance.</p>
<b>Exeter City Council LDF Core Strategy (adopted)</b>	
<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The Core Strategy sets out the vision, objectives and strategy for the spatial development of the City. In particular, it explains how proposed levels of employment and housing growth may be accommodated and how, and to what extent, forecast levels of retail growth may be met.</p>	<p>The Core Strategy will make provisions for at least 6,700 dwellings and 85 hectares of employment land between 2001 and 2016 and for 7,875 dwellings and up to 60 hectares of employment land between 2006 and 2021.</p> <p>The LDF Core Strategy for Exeter has the potential for impacts on Dawlish Warren SAC and Exe Estuary (SPA/Ramsar).</p>
<b>Teignbridge Local Plan 2013 – 2033</b>	
<b>Aim of the document</b>	<b>Elements of the plan that could cause 'in-combination' effects</b>
<p>The document sets out a proposed set of policies, proposals and actions to meet the environmental, social and economic challenges facing the area over the next 20 years</p> <p>The Local Plan covers that part of Teignbridge District which is outside the Dartmoor National Park.</p>	<p>The Local Plan ensures sufficient land be made available to increase the rate of new house building to 640 dwellings per year by 2016 and to maintain this rate thereafter to 2033 (an average of 620 per year over the plan period).</p>

**HRA Screening Dartmoor National Park Authority (Version 3) December 2012**

<b>Aim of the document</b>	<b>Summary of HRA findings</b>
<p>The document sets out the Habitat Regulations Assessment of land use plans produced by Dartmoor National Park Authority. It includes the assessment of the National Park Management Plan and each Development Plan Document (DPD) of the Dartmoor National Park Local Development Framework (LDF). The document sets out the screening stage of the assessment.</p> <p>Three Special Areas of Conservation are examined in the document; these are Dartmoor SAC, South Hams SAC and South Dartmoor Woods SAC.</p>	<p>The detailed Appropriate Assessment has concluded that the Development Management and Delivery DPD will not have an adverse effect on the integrity of any European Sites (SACs). The Conservation of Habitats and Species Regulation 2010 require (under Regulation 102) that the “plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify” and that “they must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate”.</p> <p>The assessment has highlighted a range of existing measures already in place which afford robust protection including fire management, Environment Agency water resource management, Natural England licensing regime, cross Authority working in respect of the South Hams SAC, DNPA Development Management service procedures, and County Structure Plan, DNP Core Strategy and DMD policy protection as well as the informative role of the DNP Design Guidance SPD.</p> <p>A number of issues have been raised in terms of potential mitigation, however these are considered to have potential to add further protection, rather than to be essential in the protection of European sites. These include:</p> <ul style="list-style-type: none"> <li>• Consistent cross referencing to the DNPA Design Guidance SPD</li> <li>• Potential amendment to policy wording in DMD30 (this has been proposed in the Schedule of Minor Modifications to the DMD)</li> <li>• Consideration of inserting a reference to the foraging areas and strategic flyways (this has been proposed in the Schedule of Minor Modifications to the DMD)</li> </ul> <p>The assessment has identified the importance of:</p> <ul style="list-style-type: none"> <li>• Proactive pre-application advice in respect of renewable energy development</li> <li>• The rigorous application of policies COR7, DMD15 and CO10 in the Core Strategy, DMD, and Devon Structure Plan</li> <li>• The continued monitoring of vulnerable habitats and species through management of the SACs and implementation of the Dartmoor BAP</li> </ul>

# 14 APPENDIX 4: EUROPEAN SITES CHARACTERISATION

<b>Site</b>	<b>SOUTH HAMS SAC. Located within: Torbay Unitary &amp; Devon County Authorities. Area (ha): 129.53</b>
<b>Qualifying Interests</b>	<p><b>SAC</b></p> <p>Annex I habitats primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <u>European dry heaths</u></li> <li>• <u>Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</u></li> </ul> <p>Annex I Habitats qualifying feature:</p> <ul style="list-style-type: none"> <li>• <u>Vegetated sea cliffs of the Atlantic and Baltic coasts</u></li> <li>• <u>Caves not open to the public</u></li> <li>• <u>Tilio-Acerion forests of slopes, screes and ravines</u></li> </ul> <p>Annex II species primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <u>Greater horseshoe bat <i>Rhinolophus ferrumequinum</i></u></li> </ul>
<b>Conservation Objectives</b>	<p><b>Component SSSI: Berry Head to Sharkham SSSI</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition the Caves not open to the public, European Dry Heaths, Semi-natural dry grasslands and scrub facies on calcareous substrate, Vegetated sea cliffs of the Atlantic and Baltic Coasts.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul> <p><i>Note: maintenance implies restoration if the feature is not currently in favourable condition.</i></p> <hr/> <p><b>Component SSSI: Haytor and Smallcombe Iron Mine</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition Caves not open to the public.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul> <hr/> <p><b>Component SSSI: Buckfastleigh Caves</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition the Caves not open to the public.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>

	<b>Component SSSI: Bulkamore Iron Mine</b>					
	<p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>To maintain, in favourable condition the Caves not open to the public.</li> <li>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>					
	<b>Component SSSI: Chudleigh Caves and Woods</b>					
	<p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>To maintain, in favourable condition the <i>Tilio - Acerion</i> forests of slopes, screes and ravines, and the Caves not open to the public.</li> <li>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<ul style="list-style-type: none"> <li>Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic. *</li> <li>Maintaining hydrological conditions. *</li> <li>Maintain natural woodland processes and diverse woodland structure. *</li> <li>The roosts of the Greater horseshoe bat are sensitive to disturbance (internal and external) and would need to be limited to acceptable levels.*</li> <li>The internal conditions (temperature, light, ventilation, stability etc) of the cave systems, disused quarries and mine-shafts that support the <u>Greater horseshoe bat</u> population should be maintained.</li> <li>Any development or intrusion that may influence these factors would leave the suitability of the site and the species at risk. The most likely cause of disturbance to the site is the unauthorised entry into the roosts and indirect threats that could stem from the disturbance of feeding areas, impacts on flight paths, light and noise pollution.</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	<b>% Area meeting PSA target</b>	<b>% Area favourable</b>	<b>% Area unfavourable recovering</b>	<b>% Area unfavourable no change</b>	<b>% Area unfavourable declining</b>	<b>% Area destroyed / part destroyed</b>
	<b>Berry Head to Sharkham Point SSSI (11 units)</b>					
	100.00%	86.58%	13.42%	0.00%	0.00%	0.00%
	<b>Bulkamore Iron Mine SSSI (6 units)</b>					
	100.00%	100.00%	0.00%	0.00%	00.00%	0.00%
	<b>Haytor and Smallacombe Iron Mines SSSI (5 units)</b>					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	<b>Buckfastleigh Caves SSSI (5 units)</b>					
	100.00%	39.98%	60.02%	0.00%	0.00%	0.00%
<b>Chudleigh Caves And Woods SSSI (8 units)</b>						
67.43%	67.43%	0.00%	0.00%	32.57%	0.00%	
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>Direct loss of habitat through development allocations pressures and transport developments</li> <li>Direct loss of habitat through neglect or inappropriate management</li> </ul>					

	<ul style="list-style-type: none"> <li>• Increased deposition from industrial processes</li> <li>• Public access</li> <li>• Recreational pressure – caving/climbing activities</li> <li>• Direct loss, disturbance and alteration of micro-climate of roost sites for Greater Horseshoe Bats</li> <li>• Loss of feeding areas (within 2km of roost site for juvenile bats and 6km of roost site for adult bats))(i.e. woods, grazing) ***</li> <li>• Impacts on flight paths, e.g. loss or change in management of hedgerows used for navigation by bats; alteration of street lighting regimes in areas used by bats ***</li> <li>• Light and noise pollution</li> <li>• Sea level changes *</li> <li>• Potential impacts of port development in Torbay area (Brixham) *</li> </ul>
<b>Site</b>	<b>DARTMOOR SAC. Located within: Devon County Authorities. Area (ha): 23165.77</b>
<b>Qualifying Interests</b>	<p>SAC</p> <p>Annex I habitats primary reason for selection</p> <ul style="list-style-type: none"> <li>• Northern Atlantic wet heaths with Erica tetralix</li> <li>• European dry heaths</li> <li>• Blanket bogs ( Priority feature)</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles</li> </ul> <p>Annex II species primary reason for selection</p> <ul style="list-style-type: none"> <li>• Southern damselfly Coenagrion mercuriale</li> </ul> <p>Annex II species qualifying feature</p> <ul style="list-style-type: none"> <li>• Atlantic salmon Salmo salar</li> <li>• Otter Lutra lutra</li> </ul>
<b>Conservation Objectives</b>	<p>Tor Royal Bog</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bog.</li> </ul>
	<p>East Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with Erica tetralix, and European dry heaths.</li> <li>• To maintain, in favourable condition, the habitats for the populations of Atlantic salmon (Salmo salar).</li> </ul>
	<p>North Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with Erica tetralix, European dry heaths, old sessile oak woods with Ilex and Blechnum in the British Isles.</li> <li>• To maintain, in favourable condition, the habitats for the populations of southern damselfly (Coenagrion mercuriale), otter (Lutra lutra), and Atlantic salmon (Salmo salar).</li> </ul>
	<p>South Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with Erica tetralix, European dry heaths.</li> </ul> <p>To maintain, in favourable condition, the habitats for the populations of otter (Lutra lutra), and Atlantic salmon (Salmo salar).</p>

<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<ul style="list-style-type: none"> <li>• Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic</li> <li>• Maintaining hydrological conditions and regimes</li> <li>• Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids</li> <li>• Maintain natural woodland processes and diverse woodland structure</li> <li>• Maintain high air quality.</li> <li>• Maintain quality of wetland habitat for southern damselfly, which includes extent of larval habitat, levels of shading, water quality with low nutrient levels, suitable composition of silt and gravel, adequate water levels throughout the year, and a suitable composition and structure of vegetation within runnels</li> <li>• Manage fish stocks</li> <li>• Levels of disturbance, particularly bankside usage, need to be kept to acceptable levels</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
<b>Tor Royal Bog SSSI (2 units)</b>						
41.03%	41.03%	0.00%	58.79%	0.00%	0.00%	
<b>East Dartmoor SSSI (22 units)</b>						
100.00%	51.48%	48.52%	0.00%	00.00%	0.00%	
<b>North Dartmoor SSSI (70 units)</b>						
99.72%	22.28%	77.44%	0.00%	0.28%	0.00%	
<b>South Dartmoor SSSI (52 units)</b>						
99.18%	7.36%	91.82%	0.36%	0.46%	0.00%	
<b>Wistman's Wood SSSI (4 units)</b>						
100.00%	36.76%	63.24%	0.00%	00.00%	0.00%	
<b>Dandles Wood SSSI (4units)</b>						
100.00%	96.71%	3.29%	0.00%	0.00%	0.00%	
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Ecological character of site dependant to a large extent upon long-established traditional farming methods.</li> <li>• Blanket bog and wet heath is vulnerable to uncontrolled and unplanned fires</li> <li>• Dartmoor is used for military training and artillery and mortar fire has led to the formation of numerous craters, and gully erosion in some areas, though this activity has ceased and the craters are now healing naturally.</li> <li>• Dry heath on Dartmoor has suffered extensive damage through overgrazing and frequent burning. As a consequence of this some areas of former dry heath have been converted to grass moorland, and large areas are in unfavourable condition because of low dwarf-shrub cover.</li> <li>• In relation to water resources the potential drying of blanket bogs would affect this priority feature, and low flows in rivers could affect otter and salmon habitat</li> <li>• Wet and dry heaths are vulnerable to eutrophication through nitrogen deposition</li> </ul>					

<b>Site</b>	<b>SOUTH DARTMOOR WOODS SAC. Located within: Devon County Authority. Area (ha): 2157.15</b>					
<b>Qualifying Interests</b>	<p>SAC</p> <p>Annex I habitats primary reason for selection:</p> <ul style="list-style-type: none"> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles</li> </ul> <p>Annex I Habitats qualifying feature:</p> <ul style="list-style-type: none"> <li>• European dry heaths</li> </ul>					
<b>Conservation Objectives</b>	<p>Component SSSI's :Yarner Wood and Trendlebere Down (part)</p> <p>The conservation objectives for the European interests on the SSSI's are :</p> <ul style="list-style-type: none"> <li>• To maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					
	<p>Component SSSI's : Holne Woods, Bovey Valley Woodlands and part of Yarner Wood and Trendlebere Down</p> <p>The conservation objectives for the European interests on the SSSI's are :</p> <ul style="list-style-type: none"> <li>• (subject to natural change-if necessary), to maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					
	<p>Component SSSI's : Holne Woods</p> <p>The conservation objectives for the European interests on the SSSI's are :</p> <ul style="list-style-type: none"> <li>• (subject to natural change-if necessary), to maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<ul style="list-style-type: none"> <li>• Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic. *</li> <li>• Maintaining hydrological conditions and regimes. *</li> <li>• Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids. *</li> <li>• Maintain natural woodland processes and diverse woodland structure. *</li> <li>• Maintain high air quality.</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Bovey Valley Woodlands SSSI (14 units)</b>					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	<b>Hembury Woods SSSI (2 units)</b>					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	<b>Holne Woodlands SSSI (18 units)</b>					
	100.00%	57.31%	42.69%	0.00%	0.00%	0.00%
	<b>Sampford Spiney SSSI (15 units)</b>					
	100.00%	87.34%	12.66%	0.00%	0.00%	0.00%
<b>Shaugh Prior Woods SSSI (5 units)</b>						
100.00%	100.00%	0.00%	0.00%	0.00%	0.00%	
<b>Teign Valley Woods SSSI (7 units)</b>						

	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	<b>Yarner Wood &amp; Trendlebere Down SSSI (8 units)</b>					
	100.00%	199.78%	0.22%	0.00%	0.00%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Heavy recreational pressure.</li> <li>• Long-term decline in lichens due to air pollution and/or climate change.</li> <li>• Dry heath subject to heavy grazing and uncontrolled fires (arson).</li> <li>• Dry heaths are vulnerable to eutrophication through nitrogen deposition.</li> </ul>					
<b>Site</b>	<b>DAWLISH WARREN SAC. Located within: Devon County Authority. Area (ha): 58.84</b>					
<b>Qualifying Interests</b>	<p>SAC</p> <p>Annex I habitats primary reason for selection:</p> <ul style="list-style-type: none"> <li>• Humid dune slacks</li> </ul> <p>Annex I Habitats qualifying feature:</p> <ul style="list-style-type: none"> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')</li> <li>• Fixed dunes with herbaceous vegetation ('grey dunes') * Priority feature</li> </ul> <p>Annex II species primary reason for selection:</p> <ul style="list-style-type: none"> <li>• Petalwort <i>Petalophyllum ralfsii</i></li> </ul>					
<b>Conservation Objectives</b>	<p>Component SSSI: Dawlish Warren</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the fixed dunes with herbaceous vegetation ("grey dunes"), humid dune slacks, and shifting dunes along the shoreline with <i>Ammophila arenaria</i> (marram grass) ("white dunes").</li> <li>• To maintain, in favourable condition, the habitats for the population of petalwort (<i>Petalophyllum ralfsii</i>).</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity) *</b>	<p>Management of access to minimise trampling and disturbance.</p> <p>Appropriate management of the dunes to allow for the following combination of physical factors:</p> <ul style="list-style-type: none"> <li>• unrestrained natural mobility to retain a variety of successional stages;</li> <li>• natural substrate supply;</li> <li>• maintenance of substrate composition;</li> <li>• water quality; and</li> <li>• climate/rainfall.</li> </ul> <p>Selective scrub management and grazing may be necessary as well as control of invasive species.</p>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Dawlish Warren SSSI (9 units)</b>					
	85.84%	6.27%	79.57%	0.00%	14.16%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Recreational pressure – Erosion serious problem.</li> <li>• Declining water-table, and inappropriate ditch management.</li> <li>• Much of the fixed dune grassland is a golf course and is subjected to wear, whilst modifications to the course can have an impact on adjoining species-rich grassland, for example, by spray-drift of chemicals.</li> <li>• Inappropriate coastal management, including stabilisation/flood defence. *</li> </ul>					

	<ul style="list-style-type: none"> <li>• Insufficient scrub and weed control, leading to encroachment of scrub and rank grassland species.*</li> </ul>
<b>Site</b>	<b>EXE ESTUARY SPA/RAMSAR Located within: Devon County Authority. Area (ha): 2345.71</b>
<b>Qualifying Interests</b>	<p>SPA</p> <p>Over winter the area regularly supports (Article 4.1):</p> <ul style="list-style-type: none"> <li>• Slavonian Grebe <i>Podiceps auritus</i> - 5% of the GB population</li> <li>• Avocet <i>Recurvirostra avosetta</i> - 28.3% of the GB population</li> </ul> <p>Over winter the area regularly supports (Article 4.2):</p> <ul style="list-style-type: none"> <li>• Brent Goose <i>Branta bernicla bernicla</i> - 0.6% of the population</li> <li>• Dunlin <i>Calidris alpina alpina</i> - 1.1% of the population in Great Britain</li> <li>• Oystercatcher <i>Haematopus ostralegus</i> - 1.2% of the population in Great Britain</li> <li>• Black-tailed Godwit <i>Limosa limosa islandica</i> - 7.2% of the population in Great Britain</li> <li>• Grey Plover <i>Pluvialis squatarola</i> - 1.1% of the population in Great Britain</li> </ul> <p>Ramsar</p> <p>Criterion 5: Assemblages of international importance – species with peak counts in winter, 20263 waterfowl.</p> <p>Criterion 6: Species/populations occurring at levels of international importance.</p> <ul style="list-style-type: none"> <li>• Dark-bellied brent goose <i>Branta bernicla bernicla</i> - 1509 individuals</li> </ul> <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p> <ul style="list-style-type: none"> <li>• Black-tailed godwit <i>Limosa limosa islandica</i> - 857 individuals</li> </ul>
<b>Conservation Objectives</b>	<p>Component SSSI: Exe Estuary</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the internationally important populations of the regularly occurring Annex 1 bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Shallow coastal waters.</li> </ul> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the population of internationally important populations of regularly occurring migratory bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Intertidal mud and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Seagrass bed communities.</li> </ul> <p>subject to natural change, to maintain*, in favourable condition, internationally important assemblage of waterfowl, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Seagrass bed communities.</li> <li>• Intertidal and subtidal boulder and cobble scar communities.</li> </ul>
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<p>Maintenance of current extent and distribution of feeding and roosting habitat, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities). *</li> <li>• Saltmarsh communities. *</li> <li>• Shallow coastal waters. *</li> </ul>

	Absence of disturbance, absence of obstructions to view lines, food availability, vegetation characteristics of Atlantic saltmeadows, water quality and quantity, habitat connectivity. *					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Dawlish Warren SSSI (9 units)</b>					
	85.84%	6.27%	79.57%	0.00%	14.61%	0.00%
	<b>Exe Estuary SSSI (46 units)</b>					
	100.00%	84.33%	15.67%	0.00%	0.00%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Recreational activity – disturbance to waterfowl</li> <li>• Dredging could have an adverse effect on the Dawlish Warren Sandspit and sediment movement patterns.</li> <li>• Oil/ chemical spills</li> <li>• Mussel bed development pressure</li> <li>• Maintain hydrological conditions and regimes</li> <li>• Flood plain development and associated implications for hydrology and requirements for flood protection and constraints to water level management*</li> <li>• Inappropriate ditch management, causing lowering of local water table*</li> <li>• Invasive freshwater species*</li> <li>• Grazing – parts of the site are undergrazed or overgrazed, with resultant build up of thatch and scrub encroachment, or damage for example poaching/trampling.*</li> </ul>					
<b>Site</b>	<b>Lyme Bay and Torbay SAC (31,248 ha) Dorset and Devon Coast</b>					
<b>Qualifying Interest</b>	SAC Annex I habitats primary reason for selection <ul style="list-style-type: none"> <li>• Reefs</li> <li>• Submerged or partially submerged sea cave</li> </ul>					
<b>Conservation Objectives</b>	The conservation objective for Lyme Bay and Torbay Annex 1 Reefs: Subject to natural change, maintain or restore the Reefs in / to favourable condition, in particular the sub-features: <ul style="list-style-type: none"> <li>• Bedrock reef communities</li> <li>• Biogenic reef communities</li> </ul> The conservation objective for Lyme Bay and Torbay Annex 1 Submerged or partially submerged sea cave: Subject to natural change, maintain the Submerged or partially submerged sea cave in favourable condition.					
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	Annex 1 Reefs <ul style="list-style-type: none"> <li>• No reduction in extent of reef allowing for natural change.</li> <li>• Maintain the full variety of biotopes identified for the site, allowing for natural succession or known cyclical change.</li> <li>• Maintain the distribution of biotopes, allowing for natural succession/known cyclical change.</li> <li>• No change in the extent of the biotope(s), allowing for natural succession/known cyclical change.</li> <li>• No decline in biotope quality due to change in species composition or loss of notable species, allowing for natural succession/known cyclical change. Where declines in biotope quality have occurred due to damage from scallop dredging,</li> </ul>					

	<p>these declines will need to be reversed.</p> <ul style="list-style-type: none"> <li>Maintain age/size class structure of individual species populations. Where decline in age/size class structure of individual species populations have occurred due to damage from scallop dredging, these declines will need to be reserved.</li> </ul> <p>Annex 1 Submerged or partially submerged sea cave</p> <ul style="list-style-type: none"> <li>No reduction in number of caves within a site allowing for natural change. No change in dimensions of a cave, allowing for natural change that is part of a wider coastal geomorphological management regime.</li> <li>Maintain the full variety of biotopes identified for the caves, allowing for natural succession or known cyclical change.</li> </ul>				
<b>Assessment of interest feature (s) against selection criteria</b>	<b>features of interest</b>	<b>Representativity (a)</b>	<b>Relative surface (b)</b>	<b>Structure and function (c)</b>	<b>Global assessment (d)</b>
	Reefs	Grade A (excellent)	Grade C	Grade II (well conserved)	Grade A (excellent conservation value)
	Sea caves	Grade A (good representativity)	N/A	Grade A (excellent conservation value)	Grade B (good conservation value)
<b>Site Vulnerabilities</b>	<p><b>Annex 1 Reefs</b></p> <p><b>Physical loss</b></p> <ul style="list-style-type: none"> <li>Removal (e.g. capital dredging, offshore development)</li> <li>Smothering (e.g. by aggregate dredging, disposal of dredge spoil)</li> </ul> <p><b>Physical damage</b></p> <ul style="list-style-type: none"> <li>Siltation (e.g. run-off, channel dredging, outfalls)</li> <li>Abrasion (e.g. boating, anchoring, demersal fishing)</li> </ul> <p><b>Non -physical disturbance</b></p> <ul style="list-style-type: none"> <li>Noise (e.g. boat activity)</li> <li>Visual (e.g. recreational activity)</li> </ul> <p><b>Toxic contamination</b></p> <ul style="list-style-type: none"> <li>Introduction of synthetic compounds (e.g. pesticides, TBT, PCBs)</li> <li>Introduction of non-synthetic compounds (e.g. heavy metals, hydrocarbons)</li> </ul> <p><b>Non - toxic contamination</b></p> <ul style="list-style-type: none"> <li>Changes in nutrient loading (e.g. agricultural run-off, outfalls)</li> <li>Changes in organic loading (e.g. mariculture, outfalls)</li> <li>Changes in turbidity (e.g. run-off, dredging)</li> </ul> <p><b>Biological disturbance</b></p> <ul style="list-style-type: none"> <li>Introduction of microbial pathogens</li> <li>Introduction of non-native species and translocation</li> <li>Selective extraction of species (e.g. bait digging, wildfowling, commercial &amp; recreational fishing)</li> </ul> <p><b>Annex 1 Submerged or partially submerged sea cave</b></p>				

	<p><b>Physical damage</b></p> <ul style="list-style-type: none"> <li>• Siltation (e.g. run-off, channel dredging, outfalls)</li> <li>• Abrasion (e.g. boating, anchoring, demersal fishing)</li> </ul> <p><b>Non - toxic contamination</b></p> <ul style="list-style-type: none"> <li>• Changes in organic loading (e.g. mariculture, outfalls)</li> <li>• Changes in salinity (e.g. water abstraction, outfalls)</li> </ul>
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<b>References</b>
<p>Information sourced from the Joint Nature Conservation Committee website <a href="http://www.jncc.gov.uk/">http://www.jncc.gov.uk/</a>, except where indicated.</p> <p>Appropriate Assessment of the Draft Regional Spatial Strategy for the South West: Appendix 3 – Appropriate Assessment Site Schedules( LUC, SWRA, Feb 2007) Evidence Base for Designation of Lyme Bay and Torbay Special Area of Conservation (2010)</p> <p>Other sources referenced are:</p> <p>Sources: * denotes information sourced from the Appropriate Assessment of the RSS for the South West: Appendix 3 – Appropriate Assessment Site Schedules.</p> <p>**Natural England: <a href="http://www.english-nature.org.uk/Special/sssi/">http://www.english-nature.org.uk/Special/sssi/</a></p> <p>*** Council Officers</p>

# 15 APPENDIX 5: SCREENING MATRIX OF SPATIAL STRATEGY AND POLICIES FOR STRATEGIC DIRECTION

Local Plan Policies	Category	European sites affected	Outcome of the Screening	Can counteracting measures be applied through modification of the Plan?
SS1 - Growth Strategy for a prosperous Torbay	A5	N/A	A general policy and can be screened out because it is supplemented by detailed policies (SS2, SDT1-4, SDP1- 4 & SDB1-3) in the Plan, which will be subject to more detailed screening.	N/A
SS2 - Future Growth Areas	C2	South Hams SAC	<p>The Future Growth Areas are located within the sustenance zone or/and strategic flyways for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at Berry Head component of South Hams SAC.</p>	<p>YES</p> <p>A requirement should be applied to all development within:</p> <ul style="list-style-type: none"> <li>• SDP3.2 - Great Park;</li> <li>• SDP3.3 -Totnes Road Future Growth Area;</li> <li>• SDP 3.4 - Brixham Road Future Growth Area;</li> </ul> <p>To submit a bespoke GHB Mitigation Plan. Such plans should identify the form and locations of all necessary measures required to ensure that no adverse effect on the integrity of a European site occurs as a result of that development.</p> <p>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</p>
SS3 - Presumption in Favour of Sustainable Development	A2	N/A	No negative effects	N/A

Local Plan Policies	Category	European sites affected	Outcome of the Screening	Can counteracting measures be applied through modification of the Plan?
SS4 -The economy and employment	A5	N/A	A general policy and can be screened out because it is supplemented by detailed policies in the Local Plan which will be subject to detailed screening.	N/A
SS5 - Employment space	A5	N/A	A general policy and can be screened out because it is supplemented by detailed policies in the Local Plan which will be subject to detailed screening.	N/A
SS6 - Strategic transport improvements	A5	N/A	A general policy and can be screened out because it is supplemented by detailed policies in the LTP3 which were subject to a detailed screening.	N/A
SS7 - Infrastructure, phasing and delivery of development	C7	South Hams SAC; Lyme Bay and Torbay Marine SAC	Impacts will depend on location, type and design of infrastructure.	YES  Add policy caveat as follows:  <i>"Provision of new infrastructure will only be approved where the Council has ascertained that it would not have adverse effects on the integrity of any European sites."</i>  <i>"Development that does not meet critical infrastructure requirements such as flooding and highway safety matters will not be permitted."</i>
SS8 - Natural environment	A2	N/A	The Policy could be strengthened to include a specific reference to European designation.	Add <i>"European designation"</i> to the second paragraph.
SS9 - Green Infrastructure	C6	South Hams SAC	The current wording in Policy SS9 does not identify green infrastructure as a potential means of mitigating residual 'in combination' effects from multiple developments that might otherwise affect the South Hams SAC.	YES  Add new criterion to SS9 to read:  <i>"Detailed design of green infrastructure where it is necessary to mitigate for loss of foraging habitat and/or linear features used as flyways by GHBs where the features lost contribute to the integrity of the South Hams SAC".</i>

Local Plan Policies	Category	European sites affected	Outcome of the Screening	Can counteracting measures be applied through modification of the Plan?
SS10 – conservation and the historic environment	A3	N/A	No negative effects	N/A
SS11 - Sustainable communities	A1	N/A	No negative effects	N/A
SS12 - Housing	C4	South Hams SAC	<p>The wording of Policy SS11 does not provide certainty that adverse effects to a European site will not occur.</p> <p>The level of growth within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC.</p>	<p>YES</p> <p>Amend the end of the first paragraph to read :  <i>"so long as these can be provided without harm to the economy or environment including sites protected under the EU legislations".</i></p> <p>And;  <i>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</i></p>
SS13 - Five year housing supply	A1	N/A	No negative effects	N/A
SS14 – Low carbon development and adaptation to climate change	A1	N/A	No negative effects	N/A

# 16 APPENDIX 6: SCREENING MATRIX OF STRATEGIC DELIVERY AREAS

Local Plan Policies	Category	European site affected	Outcome of the screening	Can counteracting measures be applied through modification of the Plan?
SDT1 - Torquay	A5	N/A	A general policy that can be screened out because it is supplemented by detailed policies (SDT2, SDT3 & SDT4) in the plan which will be subject to more detailed screening.	N/A
SDT2 - Torquay Town Centre and Harbour	C4	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on the reefs of the Marine SAC as a result of potential increase in use of Hope's Nose CSO.	YES Add policy restriction: <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i>  See also recommended policy restriction for Policy W5.
SDT4 - Babbacombe and St Marychurch	C4	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on the reefs of the Marine SAC as a result of potential increase in use of Hope's Nose CSO.	YES Add policy restriction: <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i>  See also recommended policy restriction for Policy W5.
SDP1 - Paignton	A5	N/A	A general policy that can be screened out because it is supplemented by detailed policies (SDP2, SDP3 & SDP4) in the plan which will be subject to more detailed screening.	N/A

Local Plan Policies	Category	European site affected	Outcome of the screening	Can counteracting measures be applied through modification of the Plan?
SDP2	C4	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off.	YES  Add policy restriction:  <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i>  See also recommended policy restriction for Policy W5.
SDP3 - Paignton North and Western Area	C4	South Hams SAC	The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES  Add policy restriction:  <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i>  <i>"Greater horseshoe bat Mitigation objectives for Great Parks, Totnes Road FGA and Brixham Road FGA should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014"</i>
SDP4	C4	South Hams SAC;  Lyme Bay and Torbay Marine SAC	The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.  The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off.	YES  Add policy restriction:  <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i>  <i>Greater horseshoe bat Mitigation objectives for Clennon Valley should be implemented as recommended by the</i>

Local Plan Policies	Category	European site affected	Outcome of the screening	Can counteracting measures be applied through modification of the Plan?
				<p><i>HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014"</i></p> <p>See also recommended policy restriction for Policy W5.</p>
SDB1- Brixham peninsula	C4	South Hams SAC	<p>The strategic area lies within the sustenance zone and strategic flyways for GHBs, without appropriate design and mitigation, is likely to have significant effects on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC.</p>	<p>Greater horseshoe bat mitigation objectives for Wall Park Future Growth Area should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</p> <p>Add the following mitigation measures for sites within Brixham built up area:</p> <ol style="list-style-type: none"> <li>1. Protection and management of existing trees</li> <li>2. Retention of former hedge-lines; managed as part of the development</li> <li>3. No increase in lighting in these areas to greater than 0.5 lux</li> </ol> <p>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</p>
SDB2 - Brixham Town Centre and waterfront	C4	South Hams SAC;	<p>The strategic area lies within the sustenance zone for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC.</p>	<p>YES</p> <p>Add policy restriction:</p> <p><i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown".</i></p> <p>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</p>

Local Plan Policies	Category	European site affected	Outcome of the screening	Can counteracting measures be applied through modification of the Plan?
SDB3 - Brixham Urban Fringe and Area of Outstanding Natural Beauty	C4	South Hams SAC	<p>The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC</p>	<p>YES</p> <p>Add policy restriction:  <i>“ For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on the integrity of the site can be shown”.</i></p> <p>Add Wall Park mitigation objectives to column 5 as follows:  Adequate mitigation should be provided, in accordance with the HRA Site Appraisal Report, that ensures:</p> <ol style="list-style-type: none"> <li>1. there are no further restrictions on potential movement of GHBs along the strategic flyway through the future growth area; and</li> <li>2. the retention and enhancement of foraging and on-site roosting opportunities.</li> </ol> <p>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</p>

# 17 APPENDIX 7: SCREENING MATRIX OF POLICIES FOR MANAGING CHANGE & DEVELOPMENT IN TORBAY

Local Plan Policies	Category	European site affected	Outcome of the Screening	Can counteracting measures be applied through modification of the Plan?
TC1- Town Centres	A1	N/A	No negative effects	N/A
TC2 - Torbay retail hierarchy	A5	N/A	No negative effects	N/A
TC3 - Retail development	A1	N/A	No negative effects	N/A
TC4 - Change of retail use	A1	N/A	No negative effects	N/A
TC5 - Evening and night time economy	A1	N/A	No negative effects	N/A
TO1 - Tourism, events and culture	C2	South Hams SAC;	An increase in tourist accommodation, and therefore visitors, within the SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at Berry Head component of South Hams SAC	YES Add policy restriction to Policy TO1: <i>"Any proposal that may lead to likely significant effect on European sites will only be permitted where no adverse effects on the integrity of the site can be shown".</i> Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC."
TO2 - Change of use of tourism accommodation and facilities	A1	N/A	No negative effects	N/A
TO3 - Marine economy	B		The proposed improvements and/or extension of the three harbours are not likely to have significant negative impact on the site.	YES N/A
TA1 - Transport and accessibility	A1	N/A	No negative effects	N/A

Local Plan Policies	Category	European site affected	Outcome of the Screening	Can counteracting measures be applied through modification of the Plan?
TA2 - Development access	A1	N/A	No negative effects	N/A
TA3 - Parking requirements	A1	N/A	No negative effects	N/A
IF1 - Information and communications technology	A1	N/A	No negative effects	N/A
C1 - Countryside and the rural economy	A2	South Hams SAC	<p>Even small-scale development has the potential to affect the integrity of the South Hams SAC e.g. introduction of lighting, loss of vegetation or increase of recreation impact.</p> <p>The level of growth within SDB1 policy area, could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC.</p>	<p>YES</p> <p>Add policy restriction to C1: <i>"Ensure development in the countryside does not have adverse effect on the integrity of the South Hams SAC".</i></p> <p>Development within the SDB1 policy area should have regard to Policy NC1 concerning the need to mitigate the impact of additional recreational pressure on the SAC.</p>
C2 - The coastal landscape	A2	N/A	No significant impact	N/A
C3 - Coastal change management	A2	N/A	The Policy could be strengthened	<p>YES</p> <p>Add <i>"and European designations"</i> to the end of criterion (1).</p>
C4 - Trees, hedgerows and natural landscape features	A2	N/A	No negative effects	N/A
C5 - Urban Landscape Protection Areas	A2	N/A	No negative effects	N/A
NC1 – Biodiversity and geodiversity	A2	<p>South Hams SAC;</p> <p>Lyme Bay and Torbay</p>	The second paragraph of this Policy could be strengthened to clarify that development that has an adverse effect on an international site will not be permitted.	<p>YES</p> <p>Add policy restriction to second paragraph after first sentence, to read: <i>"Development likely to affect an international site will be subject to assessment under the Habitat Regulations and</i></p>

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		Marine SAC	The level of growth suggested by the Local Plan, within SDB1 policy area could cause additional recreational pressure on the calcareous grassland and European dry heath at the Berry Head component of South Hams SAC.	<p><i>will not be permitted unless adverse effects can be fully mitigated and/or compensated”.</i></p> <p><i>And</i></p> <p>Developer contributions to fund the mitigation measures needed to manage increased recreational pressure on the South Hams SAC resulting from residential development and tourist accommodation within the SDB1 policy area will be sought.</p> <p>Development around the edge of the built up area that is within the Berry Head SAC Sustenance Zone and/or is coincident with any of the Strategic Flyways will, as appropriate, be required to provide:</p> <ol style="list-style-type: none"> <li>1. ‘linear features’ and ‘stepping stones’ in order to maintain and improve the ecological coherence of the landscape necessary to maintain in ‘favourable conservation status’ the Torbay population of greater horseshoe bats.</li> <li>2. To ensure this, development likely to have a significant effect on the integrity of the South Hams SAC will be required to provide biodiversity conservation measures that contribute to the overall enhancement of greater horseshoe bat habitat in Torbay. Such measures should be based on the following principles: <ul style="list-style-type: none"> <li>• The maintenance of GHB dark and unlit habitat connectivity across the landscape;</li> <li>• The provision of adequate foraging habitat;</li> <li>• The provision, where appropriate, of adequate permeability through built development following existing and new flight paths;</li> <li>• The provision of new bespoke roosts where they will provide ‘stepping stones’ across the landscape."</li> </ul> </li> </ol>
HE1 - Listed buildings	A3	N/A	No negative effects	N/A

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H1 - Applications for new homes	A1		No negative effects	N/A
H2 - Affordable housing	A1	N/A	No negative effects	N/A
H3 - Self build affordable housing and exception sites	A1	N/A	No negative effects	N/A
H4 - Houses in Multiple Occupation (HMOs)	A1	N/A	No negative effects	N/A
H5 - Sites for travellers	A1	N/A	No negative effects	N/A
H6 - Housing for people in need of care	A1	N/A	No negative effects	N/A
DE1 - Design	A1	N/A	No negative effects	N/A
DE2 - Building for Life	A1	N/A	No negative effects	N/A
DE3 - Development amenity	A1	N/A	No negative effects	N/A
DE4 - Building heights	A1	N/A	No negative effects	N/A
DE5 - Domestic extensions	A1	N/A	No negative effects	N/A
DE6 - Advertisements	A1	N/A	No negative effects	N/A
SC1 - Healthy Bay	A1	N/A	No negative effects	N/A
SC2 - Sport, leisure and recreation	C2	South Hams SAC; Lyme Bay and Torbay Marine SAC	Sport related development has the potential to have likely significant effects on European sites.	YES Add policy restriction to SC3: <i>"Any proposal that may lead to likely significant effect on European sites will only be permitted where no adverse effects on the integrity of the site can be shown".</i>
SC3 - Education, skills and local labour	A5	N/A	No negative effects	N/A
SC4 - Sustainable food production	A5	N/A	No negative effects	N/A
SC5 - Child poverty	A1	N/A	No negative effects	N/A

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ES1 - Energy	A5	N/A	No negative effects	N/A
ES2 - Renewable and low carbon infrastructure	C8	South Hams SAC	Cumulative effect of Micro wind turbine insulation could affect GHB population	Yes Add policy caveat as follows: <i>"Provision of new renewable energy infrastructure will only be approved where the Council has ascertained that it would not have an adverse effects on the integrity of any European sites"</i>
ER1 – Flood risk	A2	Lyme Bay and Torbay Marine SAC	Steps must be taken to reduce the amount of storm water in CSOs	The Council should produce SUDS or WSUD SPD to support the existing Torbay Flood Management Strategy.  Development that contributes directly to downstream flooding and increased discharge from Ilsham CSO during flood events will not be permitted until the appropriate flood protection measures are put in place. Development which is unable to provide surface water management measures (where not feasible on-site) will not be permitted until the appropriate measures are provided upstream. Developers will be required to contribute to these works as appropriate.  A flood risk assessment will also be required for development close to sea fronts within Flood zone 1 where there may be a risk of flooding due to wave action.
ER2 - Water management	A2	Lyme Bay and Torbay Marine SAC	The Policy could be strengthened	Yes Add caveat to criterion (2) to read as follows: <i>Avoid harm to surface waters (including rivers and coastal waters) and sensitive water-reliant habitats and species and European designations and any adverse impacts on the quality and quantity of groundwater;</i>  All development should seek to minimise the generation of increased runoff, having regard to the drainage hierarchy, whereby surface water will discharge to one of the

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				<p>following listed in order of priority:</p> <ul style="list-style-type: none"> <li>a. an adequate infiltration system (e.g. swales, soakaways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable;</li> <li>b. a main river or water course, or where that is not reasonably practicable;</li> <li>c. a surface water sewer or highway drain; or in the last resort where none of the above are reasonably practicable;</li> <li>d. To a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.</li> </ul> <p>In Torquay, where development has not met a, b, c or d, it will be subject to the delivery of the River Fleet Flood Alleviation Scheme.</p> <p>Add to end of Policy:</p> <p>This would include funding to ensure the provision of any necessary additional surface water management schemes.</p> <p>The Council will prepare SUDS design guide as supplementary guidance that provides advice on the role of water management in the development process.</p>
ER3 - Contamination	A1	N/A	No negative effects	N/A
ER4 - Ground stability	A1	N/A	No negative effects	N/A
W1 – Waste hierarchy	A3	N/A	No negative effects	N/A
W2 – Waste audit for major and significant waste generation developments	A1	N/A	No negative effects	N/A
W3 – Existing waste management facilities in Torbay	A1	N/A	No negative effects	N/A

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W4 – Proposals for new waste management facilities	A1	N/A	No negative effects	N/A
W5 – Waste water disposal	C2	Lyme Bay and Torbay Marine SAC;	<p>Future Discharge Consents for water utility companies, arising from proposed new development in the plan area, will be subject to HRA under Regulation 61. However, the Local Plan should identify the water quality issues at the strategic level, so enabling the infrastructure to be planned and delivered in a way that avoids the housing development having to be refused permission at project stage because of its effects on the interest features and integrity of the Lyme Bay and Torbay Marine SAC.</p> <p>Development of previously developed land and permitted development (such as home extensions) could increase hard surface and consequently increase the amount of rainfall that enters the CSOs.</p>	<p>Add Policy Restriction in Policy W5; to read:</p> <p>“Additional housing developments within the Local Plan Area, particularly for the allocations in SDT1, SDP1, SDB1 and in the Future Growth Areas will not be permitted until South West Water have confirmed that their waste water treatment works serving these developments have sufficient capacity to accommodate the additional development and can ensure that there would be no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC.</p> <p>Development of previously developed land and permitted development should introduce SUDS to ensure they do not exacerbate sewer flooding and CSO spills. In particular brownfield development which may discharge into Hope's Nose CSO should deliver SUDS or WSUD.</p>
M1 – Minerals extraction	A5	N/A	No negative effects	N/A
M2 – Maximising the use of secondary and recycled aggregates	A1	N/A	No negative effects	N/A
M3 – Preserving and safeguarding of limestone resources and key local building stone	A1	N/A	No negative effects	N/A