

## **Record of Decision**

### **South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance**

#### **Decision Taker**

Cabinet on 23 July 2019

#### **Decision**

- (i) that the South Hams Special Area of Conservation Habitats Regulations Assessment Guidance, set out at Appendix 1 to the submitted report be approved subject to the following modifications and the Assistant Director Planning and Transport, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be given delegated authority to approve any necessary minor amendments to the document:
  - (a) add the following text at the end of first sentence in paragraph (5.1) on page 17: (by the Steering Group); and
  - (b) add the following note to Existing Features as foot note on page 11 and update the text in paragraph 5.2 on page 17: (The DCC Environment Viewer will be updated at regular intervals to show new Pinch Points or Mitigation Features but is not exhaustive. Only strategic features are likely to be shown. Therefore, applicants and LPAs will have to have due regard to any likely conditions or s106 obligations that require the retention or provision of existing mitigation features on or near, which may affect their individual sites); and
- (ii) that once approved by Torbay Council, the Guidance will hold interim guidance status until agreed by all partner authorities in the South Hams SAC consultation area. It is hoped this will be completed by September 2019.

#### **Reason for the Decision**

To enable the South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance be implemented.

#### **Implementation**

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The South Hams Special Area of Conservation (SAC), and associated Consultation Zone, cover an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. Greater horseshoe bats are one of the 'features of interest' associated with the South Hams SAC. Management of the SAC Guidance is co-ordinated by an officer group of representatives from each of the above authorities and Natural England, forming the South Hams SAC Greater Horseshoe Bats Steering Group.

Local Planning Authorities (LPAs) have a legal duty (under the Habitats Directive and Habitats Regulations) to ensure that there will be no adverse effect on the integrity of the South Hams SAC population of greater horseshoe bats as a result of any plan or project. Any which will lead to an adverse effect on the integrity of the South Hams SAC will be refused, other than in exceptional circumstances.

This Guidance will update and replace the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. It provides advice on which applications may have a likely significant effect on the SAC greater horseshoe bat population and which may therefore require the relevant LPA to carry out a Habitats Regulations Assessment (HRA). It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake the HRA.

Councillor Morey proposed and Councillor Law seconded a motion which was agreed unanimously by the Cabinet as set out above.

### **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report but not discussed at the meeting.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

### **Published**

26 July 2019

Signed: \_\_\_\_\_ Date: 25 July 2019  
Deputy Leader of Torbay Council on behalf of the Cabinet