

neighbourhood plans

From: Robin Hill [REDACTED]
Sent: 26 November 2017 17:13
To: neighbourhood plans; neighbourhood plans
Subject: Brixham Peninsula Neighbourhood Plan "BPNP"
Attachments: Request Review and Removal of Waterside Quarry from BPNP.DOCX; BPNPPolicyDocumentResponse10March2017.docx; BPNPSEA&HRAresponseMarch2017.docx; MO Comments for BNP 17th May 2017.docx; image003.wmz; image003.wmz

Dear Sir/Madam

We wish to bring certain matters regarding the inclusion of amenity land known as Waterside Quarry as having potential for housing development within the BPNP, to your attention.

I attach an email from Tracy Brooks, Senior Strategy and Project Officer, Strategy & Project Delivery, Spatial Planning to my neighbour Mr P Cope, the contents of which, including attachments, is self explanatory.

Our concern is that despite providing this information to the BPNF, prior to submission of the BPNP, it appears to have been summarily ignored.

We wish to be assured that Waterside Quarry land will be removed from the BPNP and that the habitats of Horseshoe Bats and other wildlife on the site will be protected.

Yours faithfully

Angie and Robin Hill

[REDACTED]
[REDACTED]
[REDACTED]

From: Brooks, Tracy [mailto:Tracy.Brooks@torbay.gov.uk]
Sent: Wednesday, June 14, 2017 4:30 PM
To: 'mail@patcope.co.uk' <mail@patcope.co.uk>
Cc: Addison, Helen <Helen.Addison@torbay.gov.uk>; Luscombe, Adam <Adam.Luscombe@torbay.gov.uk>; Shimin, Ashwag <Ashwag.Shimin@torbay.gov.uk>; Montgomery, Liam <liam.montgomery@tedcltd.com>
Subject: FW: Waterside Quarry

Dear Mr Cope,

I have been asked to respond to your enquiry relating to the Brixham Peninsula Neighbourhood Plan and Waterside Quarry.

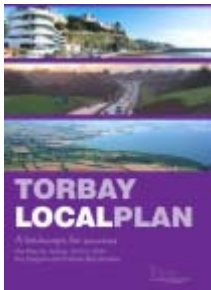
Please find attached the Future Planning Team's (as Local Planning Authority) Policy Document Response to the Brixham Peninsula Neighbourhood Plan pre-submission documents. You will see that the LPA raises objections to BPNP Policy H3, and specifically the (H3-I8) Waterside allocation (see Policy response to BPNP Policy H3 Delivery of new homes on pages 10, 11 and

Appendix 1). This also refers to issues relating to the Habitats Regulations Assessment (HRA). I therefore also attach the Council's response to the BPNP Strategic Environmental Assessment (SEA) & HRA.

Please refer to the 'General Comments' at the end of the Council's SEA&HRA response: *The Future Planning Team has instructed the Council's ecologist to provide HRA screening similar to the Torbay Local Plan HRA Site Appraisal Report on these four sites as well as a review of the Ecological Survey Report.* This further HRA work from Greenbridge Ltd (Mike Oxford) dated 17th May 2017 is also attached and has been sent to the Brixham Neighbourhood Forum.

Kind Regards,

Tracy Brooks
Senior Strategy and Project Officer
Strategy & Project Delivery,
Spatial Planning,
Torbay Council
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[Torbay Local Plan 2012 to 2030 Published](#)

Torbay Council has published its new Local Plan which forms part of the development plan for Torbay and provides the basis for decisions on spatial planning within Torbay up to 2030.

*The **Torbay Local Plan 2012 to 2030 – A landscape for success** can be [viewed online](#) or purchased as a hard copy or USB memory card. Card payments will be accepted via 01803 207801 quoting the 'new Local Plan'.*

From: Montgomery, Liam [<mailto:liam.montgomery@tedcltd.com>]
Sent: Monday, May 22, 2017 2:36 PM
To: 'mail@patcope.co.uk' <mail@patcope.co.uk>
Cc: Stubley, Di <Di.Stubley@torbay.gov.uk>; Mills, Derek <Cllr.D.Mills@torbay.gov.uk>
Subject: FW: Waterside Quarry

Mrs Cope, thank you for your letter originally sent to Councillor Stubley who has asked me to respond directly.

As i am sure will appreciate when the Council make a decision to dispose of any asset they are committed to obtaining best value for that asset. This would involve a series of assessments to establish what potential the asset has and whether any upfront investment would ultimately deliver a greater return once sold. In the case of land they would look to consider what, if any, development options there are for the land, the types of uses that would be acceptable and then which will attribute the greatest value.

As part of this process, investigations, detailed communication and advice was sought with the planning department. The land had an urban landscape protection area status and because of this designation and tree coverage the clear advise received was that only part of the land was suitable for residential development. Outline planning permission was then obtained for the developable area to ensure that we maximised the value of the land.

A decision was then made to sell the land in 5 separate Lots, again to maximise the return for the Council. When then marketing land and assets it is important that as a seller you do not mislead any potential purchaser into thinking that the land or asset is suitable for something for which it might not be. This is even more important when the person is both the landowner (seller) and Local Planning Authority. As a consequence the land with planning permission was marketed as suitable for residential and the remainder was then marketed for the use that planners confirmed would be acceptable, amenity land. I can assure you that if there was any possibility of obtaining a residential planning permission on the remaining plots then the Council would have.

In terms of title restrictions to protect land use then this is looked at on a case by case basis and whether or not applying a restriction to the title helps generate the best returns for the Council. As you know one of those amenity Lots ended up selling for a figure broadly equal to the residential plot values which vastly exceeded the value estimated and the remaining one was then sold for a value more in line with what we would have expected.

Hopefully this provides some context to the process and addresses the questions you raised.

Kind regards

Liam Montgomery

Head of Asset Management and Housing

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The Chair
Brixham Peninsula Neighbourhood Forum

2 June 2017

**NEW FACTORS WHICH FURTHER SUPPORT THE CONCLUSION THAT THE
WATERSIDE QUARRY HOUSING PROPOSAL SHOULD BE REMOVED FROM
THE BPNP**

References:

A. Waterside Road Residents' Feedback Comments on Brixham Peninsula Neighbourhood Plan dated 6 March 2017

1. Reference A thanked you and your committee for all the hard work that had gone into the production of the draft Brixham Peninsula Neighbourhood Plan (BPNP) but concluded that over 20 residents in Waterside Road could not support the current Plan whilst it included Waterside Quarry as an Allocated housing site. Reference A explained that this conclusion had been reached due to the Waterside Quarry housing proposal contravening a number of your clearly stated policies within the Plan.

2. Two highly-significant new factors have recently come to light which further support the conclusion of Reference A that the Waterside Quarry housing proposal should be removed from the BPNP:

a. Torbay Council's recent Statement that the area of Waterside Quarry land included in the BPNP was sold without "any possibility of obtaining residential planning permission".

In a written reply to a written question, Torbay Council's Head of Asset Management and Housing has explained that prior to selling at auction, Torbay Council had divided the Waterside/ Goodrington Quarry site into 5 adjoining lots to maximise the return for the Council. He explained that "*land with planning permission was marketed as suitable for residential and the remainder was then marketed for the use that planners confirmed would be acceptable, amenity land. I can assure you that if there was any possibility of obtaining a residential planning permission on the remaining plots then the Council would have.*" 3 lots were sold by Torbay Council with planning permission and 2 lots were sold as amenity land. The BPNP only includes the 2 lots sold by Torbay Council as amenity land – land without "any possibility of obtaining a residential planning permission". This being the case, the continuing inclusion of the Waterside Quarry housing proposal within the

BNP is surely an unnecessary and avoidable cost to the public purse and should be removed.

b. Confirmed Presence of Horseshoe Bats in the Quarry. The development of the 3 lots of land sold by Torbay Council with planning permission has recently conducted their own independent Bat Survey. That Bat Survey dated April 2017 (available via Torbay Council's Planning web site) has confirmed the presence of Horseshoe Bats in the Quarry. This is on land immediately adjacent and adjoining the 2 lots included within the BNP. It is perhaps important to note that this does not directly contradict the Bat Survey for Waterside Quarry commissioned by the BNP. The BNP bat survey was not able to reach a firm conclusion because extensive clearance of the land had taken place between an initial assessment carried out in October 2015 at the end of the bat active season and a further bat assessment the surveyor had recommended should take place at Waterside Quarry during the more active bat season in 2016. The newly-confirmed presence of Horseshoe Bats in Waterside Quarry also confirms that the BNP proposed development of Waterside Quarry **could** clearly threaten strategic sustenance zones and therefore would again appear to directly contravene Policy E8 para 7.0.51.

3. I respectfully request that you and the Brixham Peninsula Neighbourhood Forum give serious consideration to reviewing the inclusion of the Waterside Quarry housing proposal within the BNP as it's continued inclusion could potentially undermine and discredit the integrity of the whole Plan.

Yours faithfully

Wing Commander (Retired) James Mitchell MSc BEng CEng MRAeS RAF

Brixham Peninsula Neighbourhood Plan (Policies Document January 2017)

Torbay Council Local Planning Authority Policy Review:

<p>Key</p> <p>Green – acceptable in planning terms - Comments made to enhance or improve</p> <p>Amber – needs more work – Objection can be resolved with further amendments</p> <p>Red – Objection as not policy considered appropriate – Substantial modification/deletion required to resolve objection</p>

Please note that the comments below **do not** include Torbay Council’s corporate comments from colleagues in Housing, TDEC, Education, Conservation or Natural Environment etc. who will respond separately.

General Points: There is a lot of detailed supporting information in the Brixham Peninsula Neighbourhood Plan (BPNP) which would benefit from being put into appendixes and rationalised where possible. It is noted that the BPNP state all 10 Documents form part of the Plan. However, it is not clear in practical terms which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood development plan) and which parts do not form part of the ‘plan proposal’, and would, ultimately not be tested as part of the independent examination. The Local Planning Authority (LPA) suggests there needs to be a clear distinction between **Policies and Proposals (allocations)** and the **Supporting Documents and Supporting Evidence**. It may be suitable to clearly demarcate the **Policy/Allocation Maps and Brixham Town Centre Masterplan** as the **key documents**. A Second Appendix could be provided that comprising the **Village Design Statements** and a third appendix identified as an **‘Evidence Base’** including the Site Assessment Documents for Housing, Employment and Greenspace etc. The HRA and SEA documentation could sit alongside the main Policy Document and Form Part of the ‘basic conditions’ requirements. **The SEA HRA Documents have a separate set of comments.**

General note on policy wording: The Local Plan Title no longer includes *‘and beyond’* the LPA suggests removal of this in the Neighbourhood Plan text also.

General note on Policy format and drafting:

- Some BPNP Policy references may benefit from having a slightly different Policy reference format than that of the adopted Torbay Local Plan 2012-2030 to avoid confusion. It would be helpful to amend Policies ‘H1’ to ‘BH1’ for example? It may be helpful to identify the Policy sections within the overall Policy notation as ‘J1’ with a subsections as **‘J1.1, J1.2, J1.3’** etc instead of the concurrent paragraph numbering with the main text. The current format which no longer makes sense in the Summary Plan Document for Example. The suggested format will make the format work in the main document as well as any summary documents produced.

- Extracts from the Torbay Local Plan: Can extract quotes from Local Plan Policy include the Policy reference rather than the Local Plan page number. This will allow users/readers to cross reference more easily e.g. *Section 3, paragraph 3.0.1 and 3.0.2 are extracts from Local Plan Policy SDB1 (page 125 and 126 of the Torbay Local Plan 2012 to 2030)*
- The Planning Practice Guidance (paragraph 41) states: *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

General Note:

- Main Local Plan Policies relating to Brixham Neighbourhood Forum (BNF) include **Policy SS1** Growth Strategy for a Prosperous Torbay, Strategic Delivery Policy Framework: **SDB1** Brixham Peninsula, **SDB2** Brixham Town Centre, Harbour and Waterfront and **SDB3** Brixham Urban Fringe and Area of Outstanding Natural Beauty (Policies for Housing and Employment: **SS12, SS13, SS4** and **SS5**).

Policy	Comment
<p>General Policy : the Future (F) –planning ahead</p>	
<p>Policy F1: Future strategy – a community-led response to change</p> <p>4.0.1 Future strategic development proposals not identified within this Neighbourhood Plan will be considered by the Brixham Peninsula Neighbourhood Forum before the Local Planning Authority provides pre-application advice or determines any planning application. When providing pre-application advice or determining applications the Local Planning Authority will pay close regard to the Forum's recommendations.</p> <p>4.0.2 In this context “strategic development proposals” are those which are not set out in this plan and involve either:</p> <ul style="list-style-type: none"> • new sites; or • different uses for existing sites <p>and are for proposals of:</p> <ul style="list-style-type: none"> • 10 or more homes; or • 200 sqm of employment floor space. 	<p>LPA Objection: Recommendation: Delete or substantially revise this Policy.</p> <p>The Policy as drafted is <i>ultra vires</i> and not in conformity with the NPPF (paragraph 14) or adopted Torbay Local Plan Policy SS3 ‘Presumption in favour of sustainable development’.</p> <p>Neighbourhood Planning Regulations 2012 (as amended) Regulation 3 amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) <i>to make provision for cases where a neighbourhood forum is notified of a planning application in their area, and for forums to be consulted on local development order proposals and applications for urgent Crown development</i> (from 1st October 2016). The BPNF can request formally Request that they are consulted as above. The Forum currently receives a copy of the LPA planning application ‘Weekly List’ via email.</p> <p>Pre-application advice with the LPA is confidential.</p>

<p>4.0.3 In making recommendations the Forum will have regard to the views of Brixham Town Council, the Brixham Community Partnership and the Churston, Galmpton and Broadsands Community Partnership.</p>	<p>Note: Should the Brixham Peninsular Neighbourhood Forum (BPNF) formally request consultation, they might wish to consider amending the BPNF constitution which currently prevents the Neighbourhood Forum from commenting on planning applications.</p> <p>The BPNF will be aware that when ‘made’, the BPNP will form part of the Development Plan for the Brixham Peninsula. The LPA is required to consider Planning Applications in the context of <i>Section 58 TCPA which requires that Planning Applications should be in accordance with the Development Plan unless material reasons indicate otherwise.</i></p> <p>Whilst neighbourhood planning adds responsibility for preparing planning policy within a neighbourhood area, its delivery and implementation through the development management system remains the responsibility of Torbay Council. The use of ‘will be’ and ‘will pay’ in effect commits Torbay Council to act in this manner. This is disingenuous as it unreasonably raises expectations that are not capable of being required or delivered by this plan. It would be better to use the words ‘the Forum encourages’ rather than ‘will’.</p> <p>Suggest the Forum may wish revise into a Statement /Aspiration which sets out a positive working relationship and protocol between the LPA, Brixham Town Council (BTC), Community Partnerships and adjacent LPAs/Neighbourhood Forums. The Forum may wish to suggest that major or ‘Strategic Developments’ (defined as 30 dwellings plus in the Local Plan) engage with the BPN Community at the earliest phase of the proposals.</p>
<p>Policy J1: Employment land – proposed, retained and refurbished</p> <p>5.1.1 Employment land, commercial and business premises are to be retained for Class B uses unless there is no reasonable prospect of the site being used for employment purposes on grounds of viability. Viability to be proven by evidence of attempts to lease or sell premises at a reasonable market rate for a minimum of six months.</p> <p>5.1.2 Projects that increase the diversity of industries within the town or promote key industries will be supported as will new leisure facilities which bring new employment to the sites identified. Development on brownfield sites in preference to greenfield sites will be promoted and supported. Those developments that generate permanent jobs will be viewed favourably</p>	<p>Local Plan Policy context: Policy SDB1 Brixham Peninsula & SDB2 Town Centre and Waterfront. Policy SS4 The Economy and Employment), C1 (Countryside and the Rural Economy) and in particular SS5 Employment Space</p> <p>NPPF Key paras: 22</p> <p>LPA Response: Objection which should be able to be resolved by amendments as set out below:</p> <p>Comments:</p> <p>The LPA supports the inclusion of a table of employment sites in the main BPNP Policies.</p> <p>Table J1: The Forum hasn’t included the Northfields Industrial Estate (BPNPE2) for employment use. This is an existing employment site is identified in the BPNP Employment Assessment . The rationale for omission is not clear in the Main Policy Document or supporting BPNP Employment Assessment.</p>

provided that they can be accommodated without prejudicing the integrity of the AONB, Special Areas of Conservation and the Coastal Preservation Area.

5.1.3 The sites set out in Table 1 below and on the accompanying Allocation Maps in Document 2 are allocated for employment development. This is to ensure that this plan is in general conformity with Local Plan Policy SDB1 by providing over the plan period 2012 to 2030 for a minimum of 2,700 sqm of new employment floor space.

5.1.4 Further details on these allocated employment sites, including detailed maps of each site, are provided in the Employment Site Assessment, Document 4, which has informed Policy J1.

Table 1: Allocated employment sites. Identified sites	Site Address Yield (sqm)
E1 – 1: Galmpton Sewage Works	3,000
E1 – 2: Broadsands Beach behind promenade	
E1 – 3: Oxen Cove and Freshwater Quarry	2000
E1 – 4: Torbay Trading Estate	186
E1 – 5: 74 New Road	93
E1 – 6: Brixham Town Centre	500
E1 – 7: Northcliffe Hotel	
Total	5779

There is a convention to Classify B1, B2 and B8 Uses as ‘employment’. Other uses will clearly form an important role in the local economy and provide jobs (such as Education, water sports & leisure and holiday accommodation). However these might be noted for their role in local economy and contribution to local employment or for ‘mixed use’ separately within J1 but not necessarily allocated as ‘employment uses’ in Table 1 and on the allocation (Policies) Map. The Forum might want to consider the unintended consequences of identify ‘B Class’ uses at Broadsands if this is not the intended outcome.

Table J1 amendment to identify ‘B class’ uses to accord with LP Policy SDB1 Table 17 to clarify. Perhaps include ‘Other Uses’ separately below. Suggest Broadsands Beach and Northcliff Hotel should be identified separately for D2 and C1 uses.

Para. 5.1.2 - As previously raised: The Local Plan no longer identifies **Coastal Preservation Areas** identified in the previous Local Plan. The adopted Torbay Local Plan 2012-2030 does have policies for ‘Undeveloped Coast’ see LP **Policy C2**.

The boundaries for allocated sites ‘**J1 Galmpton**’ and ‘**J2 Broadsands**’ may impact upon the SH SAC, AONB (SS8), Undeveloped Coast (C2) and Sports Facilities (SC2.6), Coastal Change Management Area (C3) and Biodiversity (NC1) and Flooding (ER1 & ER2) and Countryside (Policy C1).

HRA issues should be considered in the accompanying BPNP HRA and SEA. Comments on these provided separately. J1.1 and J1.2 are new allocations which have not been assessed in the HRA

Additional Comments: Very small employment sites, (under 100 sqm) such as 74 New Road may fit better within the ‘General employment retention/support’ policy rather than as an individual allocation on the Policies Map.

Suggest there is cross reference to BPNP Policies J8 & J4?

Note: Table 1 Policy Labels, - change from ‘E1’ to ‘J1’ consistency with Policy Map

Policy J2: Provision of information and communication technology

5.1.9 Where recently established and emerging new communications technologies are not currently available, major developments will be required to install the necessary infrastructure. Wherever possible, information and communication technology will be installed as necessary in line with Local Plan Policy IF1. Such state-of-the-art communications infrastructure will be included

Key LP Policy context: IF1, Information and communications technology and **DE1 Design (SS7 Infrastructure, Phasing and Delivery)** and LP Aspiration 2 *Achieve A better Connected, Accessible Torbay and Critical Infrastructure*

NPPF Key Paragraphs: 42, to 46 and 162

LPA Response: General Support. No in principal objection but suggested amendments

<p>in commercial and business proposals, including mixed housing live/work developments. Where this is not possible development will ensure that its future installation will be catered for in new development plans.</p>	<p>with minor objection which should be able to be resolved by amendments as set out below:</p> <p>Last Sentence: ‘ ... <i>new development plans</i>’ lack of clarity and would benefit from re-phrasing.</p> <p>Clarify if the policy applies to all ‘major development’ proposals? (i.e. 10 units or more, 1,000 sq m or 1 hectare in site size)? Clarify ‘wherever possible’ Clarify ‘commercial and business’ proposals</p> <p>The BPNF Forum should consider amending this policy.</p> <p>Please see extract from the emerging Arun District Council Local Plan Policy which the Forum might find helpful: <i>Policy TEL SP1 Strategic delivery of telecommunications infrastructure</i> <i>All proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retro-fitted.</i> <i>Where relevant, evidence to show that development cannot be directly connected to high quality communications infrastructure due to viability or technical reasons, must be provided.</i></p>
<p>Policy J3: Local employment – traditional training and skills</p> <p>5.1.12 Major new developments (those that seek to employ 10 or more staff) are strongly encouraged and will be supported to link with local educational/training facilities, including South Devon University Technical College. Provision of apprenticeships and training for future job opportunities on the Peninsula will be encouraged and strongly supported.</p>	<p>LP Policy context: SC3, Education skills and local labour</p> <p>LPA Response: General Support. No in principal objection but suggested amendments</p> <p>A positive policy , generally acceptable (‘<i>strongly encouraged</i>’ and ‘<i>will be supported</i>’ will be difficult to enforce/deliver)</p> <p>LPA suggest the BPNP would benefit from re-wording: Mix of terminology ‘major’ (generally accepted definition of 1000 sq m) and ‘employment of 10 staff or more’. It might be useful to re-define and refer to Full Time Equivalent (FTE) and/ or numbers staff on-site.</p> <p>Note : South Devon University Technical College is based at Kingsteignton and partnered with South Devon College.</p> <p>The Forum may find it helpful to refer to an emerging Arun DC example :</p> <p><i>Policy SKILLS SP1 Employment and Skills</i> <i>Applications for development proposals that include any or all of the following will be welcomed:</i></p> <p><i>a. Raise skills levels and increase employability;</i></p>

	<p><i>b. Tackle skills shortages in existing and potential business sector clusters that are, or have the potential to be, strengths in the local economy;</i></p> <p><i>c. Promote skills on strategic housing and employment sites particularly with regard to construction skills;</i></p> <p><i>d. Address barriers to employment for economically inactive people; and</i></p> <p><i>e. Provide for the development of childcare facilities within or close proximity to employment sites.</i></p> <p><i>Development shall also be consistent with all other Local Plan policies</i></p> <p>No Objection: Suggested amendments</p>
<p>Policy J4: Local employment – increased employment and local amenity</p> <p>5.1.16 Development of start-up businesses or incubation units will be supported within settlement boundaries and where the proposal also complies with Policy J8.</p> <p>5.1.17 Home-based jobs, web-based commerce, live/work units and work hubs providing/facilitating an increase in employment will be particularly welcomed.</p> <p>Development will not be allowed which generates unacceptable noise, air pollution, levels of traffic or where the residential amenity of the area will be adversely affected.</p> <p>5.1.18 Where a new employment development has 10 or more workers, travel planning is strongly encouraged to ensure that staff travel is made sustainable (e.g. via car share, public transport, bicycle, use of park and ride and walking)</p>	<p>LP Policy Context: DE3, SS4, SS5 & TA2 (Development Access) NPPF Para 32 States Transport Statements/Assessments should relate to proposals that <i>generate a significant amounts of movement.</i></p> <p>LPA Response: No Objection: Suggested minor amendments Positive policy, generally acceptable but difficult to enforce/deliver Link to BPNP E2 Settlement Boundaries however at see comments on E2. Is third sentence a separate point?</p>
<p>5.2 Area-specific employment policies for Brixham</p>	
<p>Policy J5: Sustaining a vibrant harbour-side economy</p> <p>5.2.1 Brixham Harbour shall be maintained and further developed as a working harbour, to support the harbour-based economy and harbour-side businesses, and to safeguard the town's heritage and image. Support will be given to applications for a range of fishing and marine-related developments, including shellfish processing on the Harbour Estate that would benefit the fishing industry and harbour-side economy. Developments around the harbour will comply with Local Plan Policy TO3 but will not rely on the construction of a</p>	<p>LP Policy context : Policies TO3 Marine Economy and SDB2 Brixham Town Centre, Harbour and Waterfront and DE3 Development Amenity NC1 Biodiversity and Geodiversity and C3 Coastal Change Management Area ER1 and ER2</p> <p>LPA Response: No in principle objection: Objection: which could be resolved with amendment. Positive policy, -suggest broaden scope to allow for a broader range of fishing industry related activities. Suggest might consider restrictions on noise and amenity (LP DE3)? Suggest moving last sentence into supporting text.</p>

<p>Northern Arm Breakwater as a prerequisite to new developments. Investigating the feasibility of this long-term project will be actively pursued.</p>	<p>Defining area on NP Policies Map..is it the LP TO3 area? Suggest providing con text of Fish Quay/and Eastern Quay within Brixham Town Conservation Area. Suggest reference to LP Policy SS6 Strategic Transport improvements and SS6.6 Ferry Transport Links?</p>
<p>Policy J6: Redevelopment of the Town Centre Car Park and surrounding area</p> <p>5.2.5 A full planning brief/master plan should be undertaken as part of any development proposal to ensure that a satisfactory and comprehensive approach is taken that ensures the safeguarding of our heritage and designated conservation zone, hence maintaining the local character and the town's attractiveness as a tourist destination. Access, connectivity, transport issues and design characteristics will be addressed in any initial development proposal.</p> <p>5.2.6 Initial guidance can be obtained from the evolving Town Centre Master Plan.</p>	<p>Local Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; TC1 Town Centres; TC2 Town Centre Retail Hierarchy; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility (Air Quality Management Area) LPA Response: No 'in principle' objection: Objection : which could be resolved with amendment.</p> <p>Positive policy, generally acceptable. However this Policy would be difficult to use in order to determine planning applications. Suggest a requirement for information (full planning Brief) to be proportionate to size /impact of proposals with the area.</p> <p>Need to delineate Masterplan Area on the Policies Map. Is it just the BPNP J1-1 H3-I1 site? Suggest replacing 'zone' with 'area'</p> <p>Need to define the status of the current Town Centre Masterplan which forms part of BPNP and the extent to which developments must conform to this or engage in a new more detailed Masterplan.</p> <p>Since mixed use is referred to in supporting text...Suggest identifying key outcomes that proposals are expected to deliver within the uppercase Policy Text : e.g. 500 sqm employment space, X no. (affordable) housing units, improving Air Quality, reducing flood risk, retaining /providing X sqm retail floorspce , providing suitable short term public parking etc? General: Policy may benefit from positive phrasing stating what the community want to achieve from a scheme and Priorities for action. It would be helpful to have more details about scale of development and links to the harbour proposals.</p> <p>Helpful to cross reference with BPNP Housing and employment Policies where there is a specific allocation. Will the area be defined on the BPNP Policies Map?</p> <p>See Comments to J7 below.</p>

<p>Policy J7: Oxen Cove and Freshwater Quarry</p> <p>5.2.12 A full planning brief/master plan should be undertaken as part of any development proposal to ensure that a satisfactory and comprehensive approach is taken that safeguards heritage, environment and Brixham as a major tourist destination. Access and transport issues will be expected to be addressed in any initial development proposal and should include the potential short re-alignment route of the South Devon Coastal Path.</p> <p>5.2.13 Design and development options should be informed by the Port Master Plan and the evolving Town Centre Master Plan.</p>	<p>Local Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility ; Coastal Change Management Area C3 TO3.3 Northern arm Proposal. SS6.3 SWCP. SS5 Employment Space. NC1</p> <p>LPA Response: No 'in principle' objection: Objection : which could be resolved with minor amendment.</p> <p>Comments: Positive policy, generally acceptable. However this Policy would be difficult to use in order to determine planning applications. Suggest a requirement for information (full planning Brief) to be proportionate to size /impact of proposals with the area. What triggers preparation of a masterplan.</p> <p>Cross reference with BPNP housing /employment Policies where there is a specific allocation (J1 and J6). Will the area be defined on the BPNP Policies Map? Provide context of Brixham Town Centre Conservation Area.</p> <p>Since mixed use is referred to in supporting text...Suggest identifying key outcomes that proposals are expected to deliver within the uppercase Policy Text : e.g. 500 sqm employment space, X no. (affordable) housing units, improving Air Quality, reducing flood risk, retaining /providing X sqm retail floorspce , providing suitable short term public parking etc See comments Town Centre Masterplan.</p> <p>Since mixed use is referred to in supporting text...suggest identifying key outcomes and safeguards (that proposals and a Masterplan should show) within the uppercase Policy Text whilst retaining flexibility</p> <p>Ensure objectives relate to Landowner /operator. Useful link to Port Masterplan. Potential Marine SAC issues? - LP Policy T03. See HRA comments See Comments to J6 above</p>
<p>5.3 Area-specific employment policies for Churston, Galmpton and Broadsands</p>	
<p>Policy J8: Employment in the three villages of Churston, Galmpton and Broadsands</p> <p>5.3.1 New employment development in the three villages should respect the sensitive countryside and coastal setting of the Peninsula. Employment</p>	<p>Local Policy Context : SDB3, Brixham Urban Fringe and AONB SS5 Employment Space. SS4, C1 Countryside and the Rural economy.</p> <p>LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p>

<p>proposals should relate to the scale and nature of the existing communities and villages of Churston, Galmpton and Broadsands.</p> <p>5.3.2 Small-scale, sensitively designed proposals which provide local employment opportunities appropriate to the countryside and the rural economy (such as rural crafts, farming, heritage, marine, tourism, outdoor leisure and recreation) will be supported. There should be no adverse impact on the character of the village or amenity of residents. Any traffic generated should not adversely impact on the villages, either through impacts on their tranquillity and rural character, their environment or through impacts on the narrow lanes including the safety of vulnerable road users.</p>	<p>Comments:</p> <p>Generally acceptable. helpful to include LP Policy SDB 3 sets out provision of 200sq m of B class and Non B class space in the Urban Fringe. Specifically refer to LP Policy C1 as this is a determining factor.</p> <p>This is an Area-specific Policy but there is a lack of clarity of LP Policy C1 and BPNP ‘Policy E2: Settlement boundaries’ and the new boundaries. See comments To BPNP Policy E2 also.</p> <p>Para 5.3.2 : Define ‘small scale’ . Last Sentence: suggest replace ‘vulnerable’ with ‘all road users’</p> <p>Cross reference with BPNP J1 ensure that there is a comfortable relationship with the context set out in BPNP Policy J1?</p>
<p>Policy H1: Affordable housing</p> <p>6.0.1 Affordable homes will be provided in new developments as a proportion of new open market homes as per the ratios set out in the Local Plan.</p> <p>6.0.2 Provision of affordable homes is preferred on site and integrated into the new development.</p> <p>6.0.3 However, where it is determined that a larger number of affordable houses could be provided by payment of a commuted sum rather than on-site provision, a commuted sum may be paid but only where it can be directly allocated to the provision of affordable homes within the Peninsula.</p>	<p>Local Policy Context : SDB3 Table 22. Policy H2 Affordable Housing LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p> <p>Would recommend an alternative Policy label, perhaps ‘BH’ for ‘Brixham Peninsula Housing’ to avoid confusion with LP Housing Policies.</p> <p>Would recommend using the convention of starting with Housing provision Policy (currently BPNP H3) to start this section of the Plan</p> <p>It would be more useful to specifically include reference to LP ‘Policy H2’ Affordable Housing in the upper case Policy.</p> <p>Suggest that ‘land in lieu’ for Affordable Housing might also be requested as a second approach to AH provision.</p> <p>Where commuted payments rather than on sites provision (i.e. H2 Small Greenfield sites (3-5 and 6-10 where 10-15% is requested - difficult to provide ‘part’ of an affordable housing unit on-site).</p> <p>Likely need to provide more robust evidence that commuted sums are <i>only</i> to go to affordable homes only within the BPNP. Especially if only a proportion (15%) of commuted payment has been made which may not make provision deliverable. Therefore it is suggested that a preference for affordable housing commuted payment delivery in the Peninsula but agreement to spend in wider Torbay if unable to deliver within 2 years?</p>

	<p>No reference to 'type' and proportion of affordable housing to be provided so assume as per the LPA Policy H2 provision: third social rented, third affordable rent and third shared ownership.</p> <p>No reference to self-build plots (LP Policy H3)?</p>
<p>Policy H2: Allocation of new affordable homes</p> <p>6.0.7 Affordable houses in the Peninsula shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:</p> <ul style="list-style-type: none"> • who have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the Peninsula and are currently living in the Peninsula; or • who have lived in the Peninsula for at least 5 years and whose parents or children are currently living here and have at least 10 years continuous residency; or • who are a key worker as defined by the UK Government and are working within the Peninsula. <p>6.0.8 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants whose housing needs are not met by the market. These occupancy requirements shall apply in perpetuity, and be the subject of a legal agreement negotiated during the planning process on any development of affordable housing.</p>	<p>Objection: Which may be resolved with amendments Recommend re-labelling 'BH' to avoid confusion with Local Plan Policies.</p> <p>Policy likely to require robust evidence to support change from the current 'eligible person' /local connection criterion.</p> <p>Suggest linking to BPNP Housing allocation Policy. Should the Housing Allocations</p> <p>Suggest re-wording : 6.0.7 'whose housing needs are not met by the market and third bullet point' and :</p> <ul style="list-style-type: none"> • who are a key worker as defined by the UK Government and are working has permanent employment within the Peninsula. <p>6.0.8 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants 'identified on the Torbay Housing Waiting List'</p> <p>Might be suitable to provide a time limit of 6 months for BPNP criterion to apply after which Torbay 'eligible' criterion applies.</p> <p>Objection: Which may be resolved with amendments</p>
<p>Policy H3: Delivery of new homes</p> <p>6.0.10 The sites set out in Table 2 below and on the accompanying Allocation Map are allocated for housing development. This is to ensure this plan is in general conformity with Local Plan Policy SDB1 by providing over the plan period 2012 to 2030 and beyond for a minimum of 660 new homes.</p> <p>6.0.11 These sites are all considered "deliverable" in line with the definition at note 11 to paragraph 47 of the NPPF.</p> <p>6.0.12 Further detail on these allocated housing sites including detailed maps of each site is provided in the Housing Site Assessment, Document 3 which</p>	<p>Key LP Policies to consider SDB1 and SS1, SS12 and SS13 NPPF: para 47 LPA Response: Objection: Policy H3 is not in General conformity with SS1, SS12 and SS13 and SDB1 or NPPF para47. LSE cannot be ruled out at this stage. Objection likely to be resolved with substantial modifications as set out below:</p> <p>General Note: Recommend re-labelling 'BH' to avoid confusion with Local Plan 'H'Policies.</p>

has informed Policy H3. That document also describes other sites that were considered but have been rejected and sets out the reasons for their rejection.

Neighbourhood Plan Reference	Site Name	Homes
Committed Sites		
Brixham Town		
H3 – C1	Wall Park Holiday Camp*	173
H3 – C2	Sharkham Village*	31
H3 – C3	Fishcombe**	30
H3 – C4	Kings Drive	22
H3 – C5	Douglas Avenue	12
H3 – C6	Bakers Hill	6
Churston, Galmpton and Broadsands		
H3 – C7	Churston Court Barns	9
H3 – C8	Gliddon Ford	9
H3 – C9	5 Broadsands Road	8
H3 – C10	Broadsands House	6
H3 – C10	Total	306
Windfall Sites		234
Identified Sites		
Brixham Town		
H3 – I1	Town Centre Car Park	25
H3 – I2	St Mary's/Old Dairy	25
H3 – I3	St Kilda	20
H3 – I4	Northcliffe Hotel	15

It cannot be demonstrated that all sites are NPPF para 47 'deliverable' (i.e. within 5 years). **Remove 6.0.11.** Local Plan Policy SS13 seeks site allocations for years 6-10 (i.e. NPPF 'developable').

Cross reference to BPNP Affordable Housing Policies (BPNP H1 and BPNP H2). The Forum may consider identifying proportion of Affordable delivered likely to be delivered through these allocations.

H3, Table 2:

Lack of clarity between LP Sites and BPNP housing sites in Table 2.

Clearly demarcate between sites that have already been allocated in the Local Plan (e.g. Wall Park) and those now allocated through BPNP .

Recommend Table 2 list sites clearly between Local Plan 'committed' sites (indicated with a and BPNP 'allocations' . If necessary a note can be added to clarify if permission has been granted without splitting into separate columns.

Remove term 'identified' and replace with 'allocated'.

Two of the sites should be removed from the Table 2 as they are considered 'windfall sites' (i.e under 6 units net gain). These are:

- H3 –C10 Broadsands House (one existing dwelling demolished with permission for 6 units With a Net gain of 5 units).
- H3-I8 Waterside Quarry. The entire site has capacity for 3 units at present. An application for residential development in the remainder of the site would need to be considered on its merits. The Local Plan SHLAA update in 2013 (most recent) considered the site capacity to be under 6 and the site therefore forms a 'windfall site'. There are HRA issues (see Separate HRA comments) .

If windfall sites are identified in Table 2. All similar sites should be considered for inclusion for consistency. The LP/NP 'windfalls total' (234) should be rounded *down* accordingly.

Some housing sites have capacity identified that is unlikely to be achieved. Evidence is required from land owners that sites have appropriate the capacity e.g. St Kilda's AECOM Study indicates 7 units not 20.

See separate comments in Appendix 1 'Housing Site Assessment Comments' to this report and the LPA response to HRA & SEA. The certainty of some sites will depend on SEA/HRA findings.

H3 – 15	Torbay Trading Estate	15	<p>Table 2 Totals will not meet LP Target of 660 when sites amended. See recommendations in Appendix 1 which suggest alternative way forward of meeting LP housing Target.</p> <p>Subject to HRA Assessment findings. See separate comments on the HRA and SA.</p> <p>It is assumed that the final submission version of the BPNP will not specifically identify ‘Rejected sites’ (Table 3) and this processes of acceptance and rejection will form part of the Supporting Documentation in the Housing Assessments.</p>
H3 – 16	Oxen Cove and Freshwater Quarry	10	
H3 – 17	Brixham Police Station	7	
Churston, Galmpton and Broadsands			
H3 – 18	Waterside Quarry	10	
H3 – 19	Knapman's Yard	6	
		133	
Total sites		673	
<p>Policy H4: Brownfield and Greenfield sites Development on brownfield sites in preference to greenfield sites will be promoted and supported. <i>Should sufficient or suitable brownfield land be demonstrated to not be available for a development, then the use of greenfield land which has the least visual and ecological impact may be acceptable if it complies with all other policy in this Plan.</i></p>			<p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p> <p>Suggest rewording to positively encourage Greenfield before Brownfield but not extend beyond NPPF in terms of reasonable requirements for Planning Proposals. Remove italic Text.</p>
<p>Policy H5 - Retention of local character Development should retain the distinctive character of the area in general and the site in particular. It should be in keeping with its surroundings in character, scale, design, height, density and landscaping. Local building materials should be used. Colours should be chosen from a local palette. All development should comply with and reflect design guidance as described in the Brixham Town Design Statement and those of the 3 villages of Churston, Galmpton and Broadsands.</p>			<p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies. LP Policy context: DE2 Building for Life and DE3 and Policy M3 (-Building Stone) HE1 Listed Building and SS10 Conservation of the Historic Environment.</p> <p>LPA Response: Generally acceptable. However already covered by LP DE1 .</p> <p>Re wording ‘<i>All development should comply with and reflect design guidance</i>’</p> <p>Will need to develop and consider consultation feedback on ‘local palette’ or Design Guide to define unique qualities upon which development is to be tested against.</p> <p><i>May be worth Re-naming ‘Respecting Local Character’ And referring to historical context/ heritage assets and their setting with reference to LP SS10 and HE1?</i></p> <p>Reference to BPNP BE1 However BE1 overlaps with LP Policy SS10 and HE1. Perhaps change the title given policy H5 to reflect <i>preservation of heritage assets</i>. If retaining BE1 suggest inclusion of terms <i>significance</i> and <i>setting</i>.</p>

	<p>Suggest re-wording to provide a proportionate approach : ...use of Local building materials (<i>such a local building stone</i>) should be used <i>where available</i>.....All development should <i>consider</i> the Design Statements and reflect design criteria as described...</p>
<p>Policy H6 - Roofscape and Dormer management Under Article 4 of the General Development Order, within the area covered by this Neighbourhood Plan, where permitted development rights would normally apply, this policy adds the following conditions and limitations to control impact and to protect local amenity: Dormers will only be approved where they:</p> <ul style="list-style-type: none"> • Are modestly scaled • Are subservient to the roofscape, by being below the ridge line and set in from the sides and eaves lines • Are sympathetic to the original fascia and eaves and retain traditional roof features (such as chimney stacks) • Do not include inappropriate projecting roof features (such as Juliette balconies or extractor fans) • use traditional materials and methods of fixing which are consistent with the local character of the area • Include windows that are subordinate in size, aligned to the windows below and sympathetic to traditional fenestration in materials, form and expression • Do not result in a detrimental impact to neighbouring residential amenity. <p>Design construction should reflect the traditional, intrinsic qualities of the original building. Large rooflights or solar panels can be as visually harmful as poorly designed dormer windows. They should be carefully designed and positioned to avoid impacting on the appearance of a building, particularly where they are not a characteristic feature in the area.</p>	<p>Local Plan Context DE1 and DE3, SS10 LPA Objection: may be resolved with revised wording and removal of first paragraph.</p> <p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p> <p>We are not clear if the policy seeks to introduce an Article 4 Direction or refers to situations where existing residential dwellings have had their permitted development rights removed. In the case of the former, the neighbourhood plan cannot introduce an Article 4 Direction. In the case of the latter, we consider that the guidance relating to Dormers might more reasonably and effectively apply to the development of all dormers within conservation areas rather than those restricted through Article 4.</p>
	<p>LP Policy context: SS1 SS14 and ES1 and DE2 Building for Life.</p>

<p>Policy H7 – Sustainable Construction New development should incorporate the latest developments in sustainable construction, adaptive technologies, eco-innovation and other measures to combat climate change and enable sustainable lifestyles</p>	<p>LPA Response: Positively policy generally acceptable (difficult to enforce/deliver). Minor amendments suggested:</p> <p>The word ‘encouraged’ should be used rather than ‘should’. The words, ‘proportionate to the scale of the development proposal’ should be added to the sentence. This will strengthen the deliverability and effectiveness of this policy.</p> <p>Reference to H6 Roofscape Policy constraints?</p> <p>Consider building orientation? E.g. The design and layout should minimise energy use and maximise energy efficiency Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p>
<p>Policy H8 - Noise and Light Pollution New development throughout the peninsula will accord with Policy DE3 of the Local Plan. Additional consideration will be required where any development could impact detrimentally upon the nightscapes, soundscapes and natural tranquillity of the South Devon AONB</p>	<p>LP Policy context: DE3 ,Policy SS8, SDP1 and SDB3 LPA No in principle objection Does this add to LP Policy DE3 in the LP? Perhaps relate spatially to particular setting? Identify AONB boundary on PoliciesMap. Cross refer to Landscapes LP SS8 and NPPF Para 125 ‘intrinsically dark skies’ The Forum May consider reference to tranquillity and the Dartmoor NPA policy [DMD5] on this. Might be worth reshaping their wording to link with landscape policy E1. http://www.dartmoor.gov.uk/data/assets/pdf_file/0008/370907/2-DMDDPD-AdoptedVersion-010813_Part2.pdf</p>
<p>Policy H9: Access to new dwellings 6.0.29 No more than five dwellings shall be accessed off an existing unadopted highway.</p>	<p>LPA Context SS6 and TA1 LPA objection revolved with rewording LPA There is a lack of justification or reasoning for a 5 dwelling threshold. Suggest that this policy be reworded to be less prescriptive allow for ‘exceptional circumstances’</p>
<p>Policy E1: Landscape beauty and protected areas 7.0.1 The natural beauty, landscape character, tranquillity and biodiversity of the Brixham Peninsula will be preserved and enhanced as required by national and local planning policy. New development will respect and wherever possible enhance its natural assets. 7.0.2 Designated landscapes including the Area of Outstanding Natural Beauty (AONB), the Coastal Preservation Area (CPA) and its Geopark status will be protected. Prevailing national and local policies will be rigorously and consistently applied. 7.0.3 Any development within the AONB will conform to The South Devon AONB Planning Guidance.</p>	<p>LP Context: SS8 Natural Environment and SS9 Green Infrastructure and C1 Countryside and Rural economy. SDB 3 Brixham Urban Fringe and AONB. NPPF: Define local planning Policy ...should LP policies SS8, SS9 and C1 and C2 be indicated here? Para 7.0.2 :Coastal Preservation Area (CPA) no longer exists refer to LP policy C2 ‘The Coastal Landscape’ and ‘undeveloped coast’ Potential Non –conformity with Strategic Policy SS8 and NPPF hierarchy of protection. Calrify Village Envelopes : As per LP Policy C1?</p>

<p>7.0.4 Outside of the urban area boundary of Brixham and the village envelopes of Churston, Galmpton and Broadsands, priority will be given to protecting and enhancing the countryside from inappropriate development.</p>	<p>Para 7.0.3 South Devon AONB Planning Guidance not yet adopted at time of responding. The guidance will form an Annex to the SD AONB management Plan and as such will be a material consideration in Planning Applications affecting the AONB. Suggest re-wording to that effect.</p> <p>Rather than using the words ‘natural assets’ suggest that the ‘the natural quality of Brixham Peninsula’ would work better.</p> <p>The word ‘rigorously and consistently applied’ is unnecessary and inappropriate in terms of compelling the Council to act in a particularly special manner with regards to this particular policy. Suggest rewording to change the emphasis.</p> <p>Does the word ‘village envelopes’ refer to ‘settlement boundaries’ (Policy E2)? Check and clarify in the policy wording.</p>
<p>Policy E2: Settlement boundaries</p> <p>7.0.15 Settlement boundaries are defined by this Neighbourhood Plan for the respective settlements of the Town of Brixham and the three villages of Churston, Galmpton and Broadsands. They are shown on the accompanying Allocation Maps in Document 2.</p> <p>7.0.16 The Village and Town Design Statements, Documents 6 to 9 respectively, have informed Policy E2. Proposals for sustainable developments within settlement boundaries will be supported where developments retain the local character in accordance with Neighbourhood Plan Policy H5 and follow the guidelines described in the relevant Village or Town Design Statement.</p> <p>7.0.17 Outside of the settlement boundaries, development will need to comply with Local Plan Policy C1 and other relevant policies for landscape and biodiversity protection.</p> <p>7.0.18 Areas outside settlement boundaries will be treated as open countryside where development will only be supported where it serves or supports the following:</p> <ul style="list-style-type: none"> development that has an operational need for a countryside location such as for agricultural, horticultural or forestry operations or dwellings for their workforces there is a need for replacement buildings of similar size small-scale and low-impact rural/farm diversification schemes appropriate to the site, location and its rural setting 	<p>LP Polcy Context: C1 and SS8 and SS9</p> <p>LPA Response: Objection : Potential strategic conflict/ lack of conformity with Policy C1 Countryside and rural Economy. This could be resolved with re-wording and /or amendment of Settlement Boundaries.</p> <p>Para 7.0.17 and 7.0.17 Lack of clarity for use in determining planning applications. How do Settlement Boundaries relate to Village Envelopes in Policy C1? If a site is outside the BPNP settlement boundary E2 but inside LP C1 ‘village envelope’? This policy should refer to the context of the Local Plan with regards to Village Envelopes and how this policy changes/builds upon Local Plan Policy C1.</p> <p>Include justification for the policy approach and boundaries identified, e.g. has it been informed by landscape character assessment?</p> <p>Define ‘small-scale’.</p> <p>Note: Permitted Development rights (prior notification) for conversion of Agricultural buildings (reference TCPA PD rights). Unreasonable 20% restriction. Affordable Housing and Reference to BPNP H2 Cross Reference H2 to E2?</p> <p>Suggest Policy revision which reflects Policy C1 that retains 7.0.15 and 7.0.16 and 7.0.17 only.</p>

<ul style="list-style-type: none"> • the conversion and/or reuse of existing rural buildings that are permanent structures and can be reused without major reconstruction • the expansion of existing buildings to facilitate the growth of established businesses proportionate to the original nature and scale of the site and its rural setting • extensions and alterations to dwellings are restricted to add no more than 20% floor area to the original building • affordable housing proposed for an exception site are specifically to meet local need in accord with Neighbourhood Plan Policy H2 • facilities for outdoor sport and recreation are appropriate to the rural setting and do not generate unacceptable levels of traffic onto unsuitable roads. • 	
<p>Policy E3: Green wedges</p> <p>7.0.26 The green wedges separating the towns of Paignton and Brixham and the villages of Churston, Galmpton and Broadsands must be preserved as valued countryside to prevent the merging of settlements.</p> <p>7.0.27 Development on the edge of the villages, within the settlement boundaries, should present a “soft edge” to the wider landscape. This means that the development should be no more than two storeys high, and have garden areas with native tree planting to screen and blend in with hedgerow boundaries where possible.</p> <p>7.0.28 A map delineating some of the most important green wedges is provided in Appendix 3 to this document. This map is not presented as an exhaustive description of all green wedges but is intended to identify green wedges to illustrate by way of example how this policy should be applied.</p>	<p>LPA Policy Context: C1 Countryside and the Rural economy SS2 Future Growth areas. NPPF Context: Paras 79 to 91. LPA Response: Objection which could be resolved with revised wording and delineation however potential conflict with Policy C1 Note: Green Belts are proposed by LPAs and new green belts should only be established in ‘<i>exceptional circumstances</i>’ 9NPPFpara. 82).</p> <p>Could be perceived as duplication LP Policy C1 which protects rural areas and resists development leading to the loss of open countryside /urban sprawl.</p> <p>Para 7.0.28 require Revision. Appendix 3 does not clearly delineate Green Wedges which should be defined on the Policies Map or clearly described i.e. ‘<i>Green Wedges shown of the Local Plan Policies Map as Countryside in Policy C1</i>’). The Policy lacks clarity for the purposes of determining planning applications. Support for para 7.0.27 Suggest revised wording to value green wedges identified in LP C1 and set out ‘soft landscaping to respect AONB and C1 and take account of Torbay Landscape Character Appraisal. Suggest be less prescriptive in terms of defining what ‘soft edge’ means as this may differ depending on the setting and situation of a site.</p>
<p>Policy E4: Local Green Spaces</p> <p>7.0.30 The sites set out in Table 3 below and shown on the accompanying maps in the Green Site Assessment, Document 5, are allocated Local Green Spaces (LGS), as defined in the NPPF and designated as such by the community. They will be protected beyond the lifespan of this Neighbourhood Plan. Development within a LGS will only be permitted in “very special</p>	<p>Local Plan Policy context: SS8 SS9 C5 NPPF Paras 77 & 78 LPA Response: Generally acceptable. LPA Objection to some sites which may be overcome with additional evidence and or justification.</p>

<p>circumstances" and would require robust justification on grounds of specific benefit to the community. For example, where the proposal would enhance recreational, sport or leisure facilities and provided it met stringent design and environmental requirements it may be viewed favourably.</p> <p>7.0.31 In general each site designated a LGS is deemed by both the local community and visitors alike to be irreplaceable, of significant recreational value, to have a unique and fine view, or to be of special historic, wildlife or cultural importance.</p> <p>7.0.32 Further details on these LGS sites including detailed maps of each site is provided in the Green Space Site Assessment, Document 5, which has informed Policy J4.</p>	<p>Local Green Spaces have protection equivalent to Greenbelt. NPPF 77 and 78. The Forum will need to ensure that each site meets the Criteria in NPPF 77 and that does not conflict with other Neighbourhood Plan Designations.</p> <p>Suggest change 'and would require...' to 'such as providing special benefit to the local community'</p> <p>The text referring to providing an example (i.e. recreational, sport or leisure facilities' is superfluous and it may not be appropriate for every Local Green Space. The definition of 'recreation development' can be very wide and far-reaching. Suggest Para 7.0.32 moved to supporting Text.</p>
<p>Sites E4-1 to E4-17</p>	<p>The LPA would advise that should the sites have potential future development value, they should not be designated as Local Green Spaces. Caution should be exercised if landowners are promoting such sites for development, as this would constitute a de facto objection to Policy E4.</p> <p>Some sites may be better considered as Open Spaces of Public value (Policy E5)</p> <p>Further detailed discussion on LGS sites is requested</p>
<p>Policy E5: Open Spaces of Public Value</p> <p>7.0.34 The sites set out in the table in Appendix 1 to this document and shown on the accompanying maps in the Green Space Site Assessment, Document 5, are allocated as Open Spaces of Public Value (OSPV).</p> <p>7.0.35 OSPVs are high-quality areas of public value that contribute to the health and well-being of our community. They include areas such as recreational fields, allotments and sports facilities, or they contain public rights of way. Also, they include small undeveloped areas, greens or play areas that are deemed intrinsic to the design of housing estates or other urban developments, either to enhance the aesthetic of the surrounding buildings or to protect against overdevelopment.</p> <p>7.0.36 OSPVs should be retained as open space for public recreational use.</p>	<p>Local plan Policy context : SS8, SS9 , C5 and SC2 and SC1 NPPF para 74 LPA Response: No 'in principle' objection to Policy</p> <p>Minor Re-wording of Policy Text Suggested.</p> <p>The intention of this Policy is supported in accordance with Policy E4 above. The criteria should reflect NPPF 74</p> <p>Sites: Further Discussion of the detailed Sites with the LPA is requested</p>

<p>7.0.37 Development on them will only be acceptable where it enhances the public enjoyment of the space or an alternative facility will be provided to an equivalent or better standard and location without detriment to biodiversity and landscape requirements.</p> <p>7.0.38 Further details on these OSPV sites, including detailed maps of each site, are provided in Appendix 1, Open Spaces of Public Value, which has informed Policy E5.</p>		
E5 – 1:	Brixham College Playing Fields	
E5 – 2:	Brixham AFC Football Ground – Haycock Lane	
E5 – 3:	Brokenbury Field	
E5 – 4:	Chestnut Heights School Playing Field	
E5 – 5:	Churchill Memorial Gardens	
E5 – 6:	Dixons Field Allotments	
E5 – 7:	Drew Street Allotments	
E5 – 8:	Mount Pleasant Allotments	
E5 – 9:	Wall Park Allotments	
E5 – 10:	Penn Meadows Allotments	
E5 – 11:	Ferrers Green	
E5 – 12:	Field off Summercourt Way	
E5 – 13:	Galmpton Memorial Playing Field	
E5 – 14:	Garlic Rea and North View Road Greens	
E5 – 15:	The Grove	
E5 – 16:	Indigos Go Wild	

E5 – 17:	Monksbridge Road Brixham Skate Park		
E5 – 18:	North Boundary Road Playpark		
E5 – 19:	Parkham Field		
E5 – 21:	Penn Meadows extended green verges		
E5 – 22:	Rowan Way Play Area		
E5 – 23:	St Margaret Clitheroe Primary School Playing Field		
E5 – 24:	St Mary's Hill Play Area		
E5 – 25:	Washbourne Close Green		
E5 – 26:	Wishings Field		
<p>Policy E6: Views and vistas</p> <p>7.0.41 Views and vistas, particularly those to and from the sea or the river Dart, including horizons and skylines, must be protected. New development should preserve public views of the townscape, seascape, landscape and skyline that are valued by residents and visitors alike. In cases where impacts on such views are probable, and the development requires a Design and Access Statement, photomontages should accompany any planning application to assess and quantify any landscape visual impact on views into and from the site.</p>		<p>Local Plan Policy context: SS8 , C1 also SS10 Conservation and Heritage Assets.</p> <p>NPPF Hierarchy of Protection</p> <p>LPA Objection but Resolved With Re-wording</p> <p>Define Key Areas and Views to be protected. Relate to Torbay Landscape Character Assessment , Urban Fringe Study and AONB designation and LP Policy C1</p> <p>Refer to appropriate level of Landscape and Visual Impact assessment (LVIA) in addition to D&AS. Remove ‘Photomontages’</p> <p>Shown AONB on Policies Map</p> <p>Suggest change policy wording to ‘...preserve and/or enhance the quality of public views of the townscape...’.</p>	
<p>Policy E7: Local wildlife sites</p> <p>7.0.43 Designated county and local wildlife sites will be preserved and protected <i>in any development proposal wherever possible</i>. Devon banks (stone-clad hedges often over 800 years old), hedgerows and trees should be managed and conserved to maintain and enhance wildlife habitats, landscape value and historic landscape features.</p>		<p>Local Plan Policy context SSS8, SS9, SDB1 and NC1 and Policy C4</p> <p>NPPR reflect Hierarchy of Protection and Biodiversity Net gain</p> <p>LPA Response : Objection: Which Could be overcome with Re-wording</p> <p>Policy Maps</p> <p>Duplication with LP Policy NC1 and ss8 and ss9 and C4 and C1</p> <p>Clarify for use in determining planning Applications: <i>in any development proposal wherever possible</i></p>	
<p>Policy E8: Nationally important ecological sites</p> <p>7.0.49 Development will not be permitted where it would adversely affect the ecologies of the important areas designated as Sites of Special Scientific</p>		<p>Local Plan Policies SS8 and NC1, SDB1</p> <p>NPPF</p>	

<p>Interest (SSSI) (including Berry Head to Sharkham and Saltern Cove), part of the South Hams Special Area of Conservation (Berry Head to Sharkham) or a National Nature Reserve (Berry Head).</p> <p>7.0.50 All species found on our Peninsula, covered by the Wildlife and Conservation Act (1981) and the Conservation of Habitats and Species Regulations (2010), including Wildlife Countryside Marine Management – The Conservation of Habitats and Species (Amendment) Regulations 2012, will be protected.</p> <p>7.0.51 In particular, development will not be permitted where it could: threaten the habitat of the Greater Horseshoe Bat, its roost, its strategic flyways and its sustenance zones¹⁴</p> <ul style="list-style-type: none"> • threaten the habitat and nesting sites of the Cirl Bunting 	<p>Objection: Which Could be resolved by Revised Wording. Not inconformity with NPPF as written.</p> <p>Policy Mixes National and international protection (NPPF heirachy of protection.</p> <p>Conflict and lack of Conformity with Local Plan.</p>
<p>Policy E9: Flood prevention</p> <p>7.0.65 This plan advocates and supports a multi-agency and multi-professional approach to resolving environmental issues that place our neighbourhood at significant risk of flooding, from either sudden unexpected flash flooding or as a result of the longer term increased probability due to climate change.</p> <p>7.0.66 Development will not be permitted within the potential flood risk zones or upon surrounding land where any increase in runoff and/or foul drainage will exacerbate the problem, unless proposals contain clear mitigation measures.</p>	<p>Local Plan Policy Context ER1 and ER2 SDB1,2 and 3</p> <p>LPA Response Objection which could be resolved with re-wording . However potential conflict with Polices ER1 and ER2</p> <p>The issues referred to (7.0.66) by this Policy are already covered in great detail by the Local Plan. Suggest deleting as the content is superfluous. Further discussion advised.</p>
<p>Policy BE1: Preservation of local character</p> <p>8.0.9 Any development, including alterations to existing local heritage buildings and features (e.g. historic pumps or war memorials), will be expected to maintain or enhance where possible the area's heritage character. Heritage buildings, ancient monuments and their surrounds, and all existing buildings, not otherwise protected by national legislation will be judged against the characteristics described in our design statements. Proposals that contribute to the distinctive local character and quality of our heritage will be favoured.</p>	<p>Local Plan Policy Context: SS10, HE1, DE1</p> <p>Local Plan Objection : Which could be resolved with re-wording.</p> <p>Are there buildings they would like to identify as of value? Is this an opportunity to create a list of locally significant buildings? 'Any development?' This needs clarification, not <i>all</i> buildings. Perhaps provide some better definitions.</p> <p>Further discussion with the LPA is requested.</p>
<p>Policy BE2: Alteration or repair of existing structures of heritage value</p>	<p>Local Plan Policy Context: SS10, HE1, DE1</p> <p>Local Plan Objection : Which could be resolved with re-wording</p>

<p>8.0.12 Proposed alterations or repairs to existing buildings of local heritage interest will be expected to take care to preserve the local heritage character, architectural design and use of traditional materials in keeping with the location. Development within conservation areas, including alterations to existing buildings, must be of a high quality of design and should maintain or enhance the character and architectural quality of its setting. In particular, all development will:</p> <ul style="list-style-type: none"> • be sympathetic to the character, scale and massing of surrounding buildings and/or the character of the landscape • Brixham Peninsula Neighbourhood Plan • respect existing settlement patterns and building styles • use high-quality materials appropriate to the architectural, geographic and historic character of the area, and ensure that any such refurbishments or new builds will stand the test of time • replenish the existing fabric of historic buildings and other structures (to apply to shop fronts, windows, doors and other architectural features), using designs and materials appropriate to the situation • include reinstatement of traditional features that have been lost over time where appropriate. <p>8.0.13 Reference to and adherence to the principles and practices described in the Design Statements will be required for all proposals.</p>	<p>‘All development will..?’ ‘Local Heritage Interest?’ Perhaps use the term <i>heritage assets</i> – what is the definition of ‘local heritage interest’? Further discussion with the LPA is requested.</p>
<p>Design Statements</p>	<p>Local Plan Policy Context DE1 , DE2, DE3, DE4, DE5 , Ss10, HE1LPA Response: Objections: which could be resolved with further modification. Suggest further discussion with LPA.</p> <p>There seems to have been a great deal of time producing these documents. They are very well written and they provide design guidelines, statements and have ‘identified policies’. It is not clear how this additional another policy layer works in conjunction with the NP and LP as a parallel approach.</p> <p>Further Discussion on the Scope , clarity and Role of the Design statements is Requested.</p>
	<p>6. Broadsands Village ; 7. Churston Village; 8. Galmpton Village</p>

	<p>The general design guidelines may not provide useful additions to the existing LP Polices. However, the guidelines for specific villages areas may provide a useful tool. Suggest further work that could be used to identify buildings of local significance/community value.</p> <p>The inclusion of roads, footpaths and lighting are not in the control of NPs.</p> <p>9. Brixham Town Some repetition of the NP policies.</p> <p>LS1 Development Briefs [Page 74]. Who will prepare these?</p>
<p>Brixham town Centre Masterplan</p>	<p>LPA Policy Context SDB1, SDB2 (CDSB4) TC2, C3, TO3 ER1 SS10 et al Positive</p> <p>The Developing Masterplan sets out what is wanted from the developments in the town centre. It identifies scale, uses and design elements, however further discussion is needed on the extent (delineation) of the Masterplan Area and the quantum and phasing of development in relation to BPNP Policies J1, J5, J6 and J7</p> <p>The LPA would request further discussion with the BPNF</p>
<p>Policy T1: Linking of new developments to travel improvements 9.1.5 Employment and residential developments will include safe walking and cycling access as well as being within a short walking distance to bus routes.</p> <p>9.1.6 Wherever possible, new employment proposals will seek to maximise opportunity for environmentally friendly transport of freight as well as the movement of its workforce.</p> <p>9.1.7 Such proposals will also seek to minimise commuting distances.</p> <p>9.1.8 Proposals will include improvements to the safety of cyclists and pedestrians by the provision of new off-road cycle ways wherever possible.</p>	<p>LPA Policy context: SS6, TA1 TA2 and TA3 and SS7 LPA Response: Objection Which Could be Resolved with Re-wording</p> <p>How does the plan define ‘short walking distance’?</p> <p>The wording of 9.1.6 should be clarified as it slightly obtuse. We suggest that a better way of delivering the aims of this policy would be to refer to travel plans required as part of proposals needing to consider the impact of business and commuting travel associated with development.</p> <p>9.1.8 providing new off road cycle ways will not be appropriate for all scale of development and there is uncertainty as to how or what is being asked to be delivered and indeed if it is viable or possible. Needs clarity in terms of what is being asked.</p>

<p>Where appropriate, highway crossings and greater separation between motor vehicles and other travellers will be funded using Section 106 or CIL monies.</p> <p>9.1.9 Any CIL realised from new developments will be directed firstly at three key projects aimed at changing modes of transport by improving sustainable travel options:</p> <ul style="list-style-type: none"> • a park-and-ride scheme fit for the 21st century • provision of safe cycle routes between Brixham and Windy Corner • an alternative mode of transport from the park-and-ride into Brixham. 	<p>Referring specifically to S106 or CIL is unnecessary and could be seen as inflexible as the delivery mechanism for highway and sustainable transport improvements/mitigation may have a number of potential delivery mechanisms.</p> <p>9.1.9 Re-word so that this represent a wish of how the local component of CIL should be spent or projects which the community would wish to see delivered. The Neighbourhood Plan itself cannot compel the local contribution of CIL to be spent on such projects. The projects may also be delivered via alternative means to CIL.</p>
<p>Policy T2: Provision of sustainable transport to access Brixham Town Centre</p> <p>9.1.12 To achieve sustainable modes of transport into Brixham's Town Centre whilst enhancing its air quality, road safety and environmental aesthetic will require:</p> <ul style="list-style-type: none"> • a greatly improved park-and-ride facility to create a central transport hub for the Peninsula, that includes a range of on-site amenities and facilities • protection of existing land currently available between Churston and Brixham to enable the development of a cheap, family friendly alternative means of getting into town • a new town centre public transport hub as described in the Town Centre Master Plan • major improvements to our public transport systems including a fast ferry service across the Bay. 	<p>Local Plan Policy Context: SS6 SDB1 CDSB4 SS6LPA Response: Objection which could be resolved by re-wording</p> <p>Uncertainty as to how this how this policy will function.</p> <p>How would a developer comply with it?</p> <p>This Policy may read better as an aspiration rather than a planning policy.</p> <p>Further discussion with the LPA is requested.</p>
<p>Policy T3: New approaches to travel across and beyond the Brixham Peninsula</p> <p>9.1.17 New developments, domestic or commercial, will be favoured that incorporate into the scheme reductions in unnecessary travel, support for alternative modes of sustainable travel or improvements in road safety for all road users.</p> <p>9.1.18 This will be achieved by:</p> <ul style="list-style-type: none"> • integrating proposed projects with the development of our Town Centre Master Plan 	<p>LPA Policy Context: SS6 TA1 TA2 TA3 ES2 SDB1 and SDB3 AND sdb3</p> <p>Objection : which could be resolved with re-wording.</p> <p>It is not clear how this policy will function.</p> <p>How would a developer comply with it?</p> <p>Is the neighbourhood plan seeking to reduce all 'travel' or does it mean vehicular travel? Increasing travel and mobility is generally a good thing in terms of economic vitality and certain trips undertaken via means such as active travel should be positively encouraged to increase.</p>

<ul style="list-style-type: none"> • integrating a range of road safety features into new developments, especially where they are accessed by major highways, using Section 106 or CIL monies • encouraging working from home, car sharing and improving ferry and other public transport services • supporting current Torbay Local Plan health policy that actively encourages cycling and walking to school (using supervised “walking buses” and “park-and-stride” schemes for younger pupils) thereby reducing childhood obesity and improving physical fitness. <p>9.1.19 Projects that will be prioritised as feasible schemes that can improve road safety, encourage sustainable travel and shift public attitudes are listed in Appendix 2 to this document.</p>	
<p>Policy HW1: Retention of current estates to provide the range of day care, in-patient, day hospital or social respite day/residential care needed</p> <p>10.2.8 Facilities currently providing health and social care will be strongly encouraged to be retained for such purposes unless the service provided can be demonstrated not to be viable, either financially or clinically at that location. Developments to health facilities that reduce travel and improve accessibility both for our town and village communities will be favoured.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording.</p> <p>Does this need to be criteria based or site based?</p> <p>This policy should also refer to facilities that do not represent the most sustainable way of delivering care in Torbay. Reference to the local strategy of delivering ‘new models of care’ would strengthen the justification and deliverability of this policy.</p>
<p>Policy HW2: Operational space for voluntary support organisations</p> <p>10.2.12 Given the increasing role of the voluntary sector in promoting strong and healthy communities across the Peninsula, wherever possible, where new development may jeopardise vital activity, provision of adequate operational space for voluntary organisations to facilitate their multiple social functions will be prioritised.22</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording.</p> <p>As above with HW1. How would a developer comply with the policy?</p> <p>This policy lacks precision and needs justification.</p>
<p>Policy HW3: The housing needs of healthcare workers</p> <p>10.2.15 In all larger housing development proposals, where provision for an anticipated significant increase in the low-paid essential healthcare workforce is included, such developments will be considered favourably. This policy will support Policies H1 and H2 of this plan.</p>	<p>LP Policy Context: SC1, SS11 and H2 Objection: Which could be resolved with re-wording.</p> <p>As above. A single robust health and wellbeing policy might be more appropriate.</p> <p>This issue is covered by the reference to keyworker housing elsewhere in this plan. This policy currently lacks justification and clarity.</p>
<p>Policy L1: Protection of existing educational facilities</p> <p>11.2.4 School buildings, associated playing fields and other educational facilities will be expected to be retained for these purposes. Any proposal to develop these facilities for other purposes should clearly demonstrate that</p>	<p>LP Policy Context: SC1, SS11, SC3 Objection: Which could be resolved with re-wording.</p>

<p>they are either not required to meet either current or anticipated need or that they are no longer viable for appropriate reasons, such as educational policy, financial support, or health and safety.</p>	
<p>Policy L2: Matching educational provision to local need 11.2.7 Development of Early Years and Primary School facilities will be supported to ensure excellence in educational provision that is easily accessible to local communities and fully responsive to future demand.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. Does there need be caveats here about design and impact?</p>
<p>Policy L3: Providing for 16–18 years and beyond –education and training 11.2.9 Educational and training developments will be supported where they are within, or in close proximity, to our schools, colleges and work places. The latter will include horticultural, maritime establishments and farms, where training and education can be provided within or close to the Brixham Peninsula.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. As above. Additional rewording to provide clarity in what is seeking to be achieved from planning applications. Suggest that this is an aspiration rather than a policy.</p>
<p>Policy TO1: Support for the development of tourism on the Brixham Peninsula 12.2.3 Subject to compliance with other policies in this plan, developments that increase the quality and range of tourist accommodation and leisure potential in the Peninsula area will be supported, especially where it can be demonstrated that the development will lead to the creation of local jobs. 12.2.4 Where there is no reasonable prospect of a tourist facility or amenity being re-developed explicitly for tourism purposes, other types of development will be viewed favourably with the following provisos:</p> <ul style="list-style-type: none"> • where trends in holiday activity, evidence from similar neighbouring tourist businesses or wider economic decline suggest that a tourist facility is no longer financially viable, and • an alternative proposal for the land use will not have any derogatory effect upon the holiday character of the surrounding area or any nearby tourism facility, and • an alternative use would benefit the tourist industry either by creating jobs, enhancing the tourist economy or adding an environmental attraction or tourist amenity to the area. 	<p>LP Context: T01 , TO2, TO3 SS4 and H2 Objection: which Could be resolved with re-wording. Potential conflict with LP Policy T02 How can a developer demonstrate the jobs will be local? 12.2.4 what are the other types of development they would view favourably? This policy would generate a lot of supporting information as part of any application. How do you define ‘tourist facility or amenity’. This could be very wide e.g. accommodation, shop, leisure facility, etc. Does this policy restrict the development of tourist facilities being redeveloped into residential dwellings (see words referring to ‘creating jobs’. Is that the intention? The LPA would request further discussion.</p>
<p>Policy S&L1: Increase available space for outdoor sport and leisure</p>	<p>LP: SC2 & SC1 LPA Objection which could be resolved with re-wording</p>

<p>13.0.3 Notwithstanding areas already designated as Local Green Spaces or Open Spaces of Public Value, additional outdoor playing space should be made available to the community. Subject to the requirements of other policies in this plan, proposals for development of areas both within and bordering the town and village settlements for purposes of outdoor pursuits, including both organised and free-play activities, will be encouraged. Land should be identified and set aside to address the major shortfall in outdoor recreation and play space.</p>	<p>How will the policy function? Who will encourage proposals and identify the land?</p> <p>Suggest that this policy focuses on improving ‘access’ to available space for sport and recreation.</p> <p>This policy needs rewording to ensure it is deliverable, justified and evidenced.</p>
<p>Policy S&L2: The potential of our coastal location should be maximised</p> <p>13.0.5 The excellent work already being done by local organisations in meeting the needs of young people should be recognised, and their experience and expertise used to support future development. Presumption will be in favour of new developments of watersport and coastal recreational facilities as well as proposals that enhance existing recreational and sporting amenities along our coastal hinterland.</p>	<p>LP Policy Context: SDB1 , SDB2 and SDB3 , SC2 C3 and C2.LPA Response: Objection Which Could be resolved With re-wording.</p> <p>Support Aspiration to maximise location. ‘<i>Presumption is favour</i>’ isn’t the right approach. The policy needs a caveat to ensure any large scale recreational facility doesn’t impact on landscape character.</p> <p>This policy may be better suited to sit elsewhere in the plan as an aspiration rather than a policy. Further discussion with the LPA is requested.</p>
<p>Policy S&L3: Integration of sport and recreational facilities into new residential developments</p> <p>13.0.9 All new large residential development proposals (10 homes or more) are strongly encouraged to integrate space into the development or utilise nearby ground specifically for sport or recreational use by residents and the local community.</p>	<p>LP Policy Context SS7, SS8 and SC1 and SC2 LPA Objection: Which could be resolved with re-wording.</p> <p>‘<i>Strongly encouraged</i>’? The NP can’t control use of land outside development sites. Again, perhaps a single robust policy on sport and leisure. I’m not sure the three work.</p>
<p>Policy A&C1: Promotion and protection for the arts and local culture</p> <p>14.0.1 Proposals for developments that contain fringe benefits, and promote or create new space for cultural activity will be supported. Developments that threaten the cultural activities and/or facilities of our communities will be resisted.</p>	<p>Local Plan Policy context: T01 and T03 Objection which May be resolved with re-wording:</p> <p>remove ‘<i>fringe benefits</i>’ Suggest rewording with positive phrases “supporting artists, activity, places and the use of heritage assets’</p>
<p>Appendix 2: Priority projects to evolve from Neighbourhood Plan policies</p>	<p>Further discussion with the LPA is requested.</p>

Appendix 1

Brixham Neighbourhood Plan Consultation comments:

Housing Site Assessment Comments (AECOM & Neighbourhood Plan)

In general, consistency between the AECOM Housing Site Assessment and the Neighbourhood Plan Site Assessment is an issue eg. AECOM site pro formas for Kings Barton and Beverley Court suggest that the landowner is willing to submit the site for development, yet the NP Assessment suggests that the owners of Beverley Court have made it clear they do not wish to develop the site (see page 73) and that Kings Barton is not available (see page 70).

It would be expected that the AECOM Study site pro formas would consistently mention biodiversity/species issues and viability assumptions, but this is not the case, therefore some sites are lacking in detail in these areas where others are covered in more detail (even, for instance, mentioning 'likely' importance to bats in some cases and not others).

NEIGHBOURHOOD PLAN SITE ASSESSMENT;

Para 3.0.3 first bullet point – should be noted as '5 or fewer homes **net**'

Para 3.08 suitability = no insurmountable physical or environmental factors which would restrict development check application of 'suitable' –

Table 1: Summary of Brixham Peninsula Neighbourhood Plan sites;

- H3-C10 Broadsands House should not be included as a committed site as it is a windfall, providing 5 net new homes (see also comments re para 6.0.3). Suggest removing from allocations as failing to do so would result in double-counting.
- H3-I3 St Kilda – evidence required for allocating 20 units to this site, when the AECOM study suggests 7. Suggest allocating as general housing, not being specific about the type (eg. assisted living). Just because the previous use was as a care home, doesn't mean that future redevelopment would only be considered for housing for a similar group. The Housing Site Assessment (at page 34) suggests 20 units arise from a density of 80 dph. Would recommend the study figure is used, as no justification for the higher figure at this stage.
- H3-I4 Northcliff Hotel – agree with the site yield of 15 units, as stated in the SHLAA.
- H3-I6 Oxen Cove and Freshwater Quarry – AECOM study suggests 12 units, therefore recommend this study figure is used, for consistency.
- H3-I7 Brixham Police Station – evidence required for reducing number of units on site from 12 (in AECOM study and the SHLAA), to 7. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.

- H3-I8 Waterside Quarry – note AECOM no mention of landscape/ecology issues tested in recent planning application(s) – which are outline approval for 3 units, reserved matters for 2 of those units, with an application pending for the third unit. The most recent SHLAA (2013) states the site (SHLAA Ref T924) is below the study threshold/unlikely to achieve 6 dwellings. Housing Site Assessment page 50 refers to 42 units suggested in the 2008 SHLAA and does not mention the 2013 SHLAA, which is the more up-to-date evidence. Recommend the site is removed and treated as windfall to avoid double-counting.
- H3-I9 Knapman’s Yard – both the SHLAA and AECOM suggest a yield of 8 units on this site. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.

Para 6.0.2 – advisable not to refer to the Brixham Town Centre site as being undevelopable if Neighbourhood Plan is allocating it (albeit in a different form to the consented application), as this could prejudice the inclusion of the site. Berry Head Garage (referred to in the second bullet point) is developable, as builders are currently on site, but implementing a permission for 4 units (ie. a windfall) – so not an undevelopable site. Suggest removing the whole paragraph.

Para 6.0.3 both Walcot and Broadsands House are comparable in that on each site there is/was an existing unit, which once demolished, makes way for 6 new units. This means there is a net gain on each site of 5 units. It does not matter that at Broadsands House (the original property) was demolished prior to the application for 6 units being given consent. The overall net gain on the site is still 5 units. Therefore, as noted above H3-C10 Broadsands House should be removed from allocations and counted as a windfall.

Making the changes noted above under the comments on Table 1 would result in a committed sites total of 300 (-6 from Housing Site Assessment figure due to deletion of Broadsands House from allocations), and a total of 119 units from identified sites (-14 units from Housing Site Assessment). The overall total would then be 653 units, just short of the Peninsula target. In order to make up this shortfall, the inclusion of King’s Barton (7 units) and Beverley Court (9 units) as sites would take the total to 668 units. There evidence presented does not indicate why these two sites should not be included – the site pro formas in the AECOM study suggest that the only ‘constraint’ to these sites is that the “landowner has expressed doubts over whether the site is viable for residential development”, yet each also suggests that the landowner is willing to submit the site for development. It may not be appropriate to assume that the landowner has the expertise to comment on the viability of the site for redevelopment.

Note, AECOM study notes both Archery Field and White Rock Extensions have potential for taking forward as NP sites (could be used to overcome the deficit issue mentioned above if Beverley Court and King’s Barton remain rejected) and would give a ‘buffer’ in case of suggested site yields not being met/sites not being developed.

Torbay Council Consultation Response on the Brixham Peninsula Neighbourhood Plan

28th January - 11th March 2017

Strategic Environmental Assessment

General Comments

The SEA has not included the BPNP Plan policies assessment. The SEA of the policies would ensure they are compliant with environmental legislation and would result in more robust policies by introducing recommendations that benefit the wider environment. Similarly the SEA has not included an assessment of the allocated employment sites.

The impact of development on the Lyme bay and Torbay Marine SAC and the Marine Conservation Zone (MCZ) has not been considered in the Biodiversity and Geodiversity theme. Similarly the impact on the Mineral Safeguarding Area under Land, Soil and Water Resources theme has not been checked.

The commentary under the SEA themes does not reflect the colour coded score in a number of sites e.g. Berry Head Road under Health and wellbeing, Brixham Town Centre Car Park and Copythorne Road under Climate change. The commentary includes both positive and negative effects on the relevant SEA themes; however the scores awarded was neither positive or a negative effect.

It would be helpful to outline reasons for rejecting sites; particularly since some of them have scored reasonably well against the SEA themes. These include Beverly Court, Shoalstone Overflow Car Park and Kings Barton.

Specific Comments on section 3.3.3: Appraisal of sites through SEA

Page No.	Site	SEA Theme	Comment
12	Berry Head Road (Site 1)	Soil land and water resources	Change score to negative. Development on the site would result in loss of Grade 2 agricultural land (good) at the southern part of the site (T712 SHLAA).

Page No.	Site	SEA Theme	Comment
13	Berry Head Road (Site 1)	Population and community	The commentary suggests development of the site could have negative impact on this SEA theme. However, the score awarded is uncertain effects.
15	Brixham Town Centre Car Park (Site 3)	Soil land and water resources	The Brixham town centre is designated as an Air Quality Management Area (AQMA). Increased number of dwellings and commercial units could worsen the air quality in the area. Measures to reduce the impact should be outlined in the SEA.
16	Copythorne Road (Site 4)	Biodiversity and geodiversity	The site is within the Greater horseshoe bat (GHB) sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is defined in the Natural England 2010 Guidance ¹ . The eastern part of the site lies within the 2km Cirl bunting buffer zone and the western part lies within 250m buffer zone. A survey would be required to ascertain the presence of Cirl bunting and inform suitable mitigation measures. A new Cirl bunting technical guidance note and RSPB survey method document is available.
18	Mathill Road (Site 6)	Biodiversity and geodiversity	The site lies within the GHB sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is defined in the Natural England 2010 Guidance
20	Freshwater Car Park and Oxon Cove (Site 8)	Biodiversity and geodiversity	The site is located within flood risk area. This could have a negative impact on the Lyme Bay and Torbay Marine SAC. An HRA screening would be recommended for this site to ascertain no likely significant impact on the Marine SAC qualified features (reefs and sea caves).
21	Police Station (Site 9)	Biodiversity and geodiversity	Development of the site could cause additional recreational pressure on the European dry heath

Page No.	Site	SEA Theme	Comment
			and calcareous grassland at the Berry Head which is a component of South Hams SAC. It is recommended that mitigation measures to reduce negative impact of additional recreational pressure in line with Policies NC1 and SDB1 of the Torbay Local Plan.
22	Shoalstone Overflow Car Park (Site 10)	Biodiversity and geodiversity	The site is brownfield land located within the urban area, however the site is within GHB sustenance zone and adjacent to South Hams SAC.
25	St Mary's / Old Dairy (Site 13)	Land Soil and water resources	Change score to negative effect due to presence of contaminated land. Recommend mitigation measures.
26	Torbay Industrial Estate (Site 14)	Biodiversity and geodiversity	The eastern part of the site lies in Parkham Field Urban Landscape Protected Area (ULPA). The delivery of 15 dwellings on this site should not compromise the quality of the ULPA.
29	Golf Club (Site 17)	Historic Environment and Landscape	The commentary does not reflect the negative effect score. The open space hasn't got any formal designation to justify the negative score.
30	Greenaway Road (Site 18)	Biodiversity and geodiversity/Land soil and water resources	The site lies within GHB sustenance zone as well as in Mineral Safeguarding Area.
32	The Piggery (Site 20)	Land Soil and water resources	Change score to negative effect because the loss of Grade 2 agricultural land would be permanent.
33	Waterside Quarry (Site 21)	Biodiversity and geodiversity	The site lies within GHB sustenance zone. The site also lies within Waterside ULPA and there is RIGS and OSWI on the southern part of the site.

Page No.	Site	SEA Theme	Comment
			The assessment lacks recommendation of mitigation measures.
34	White Rock Extension (Site 22)	Biodiversity and geodiversity	The site lies within GHB sustenance zone. It is also within cirl bunting 2km buffer zone and the south west part is within 250m buffer zone. Protected species have been recorded within the site. The northern part of the site is designated as a Landscape and Ecological Management Plan (LEMP). Would the Form consider the LEMP as a green Open Space?

Habitats Regulations Assessment

General comments

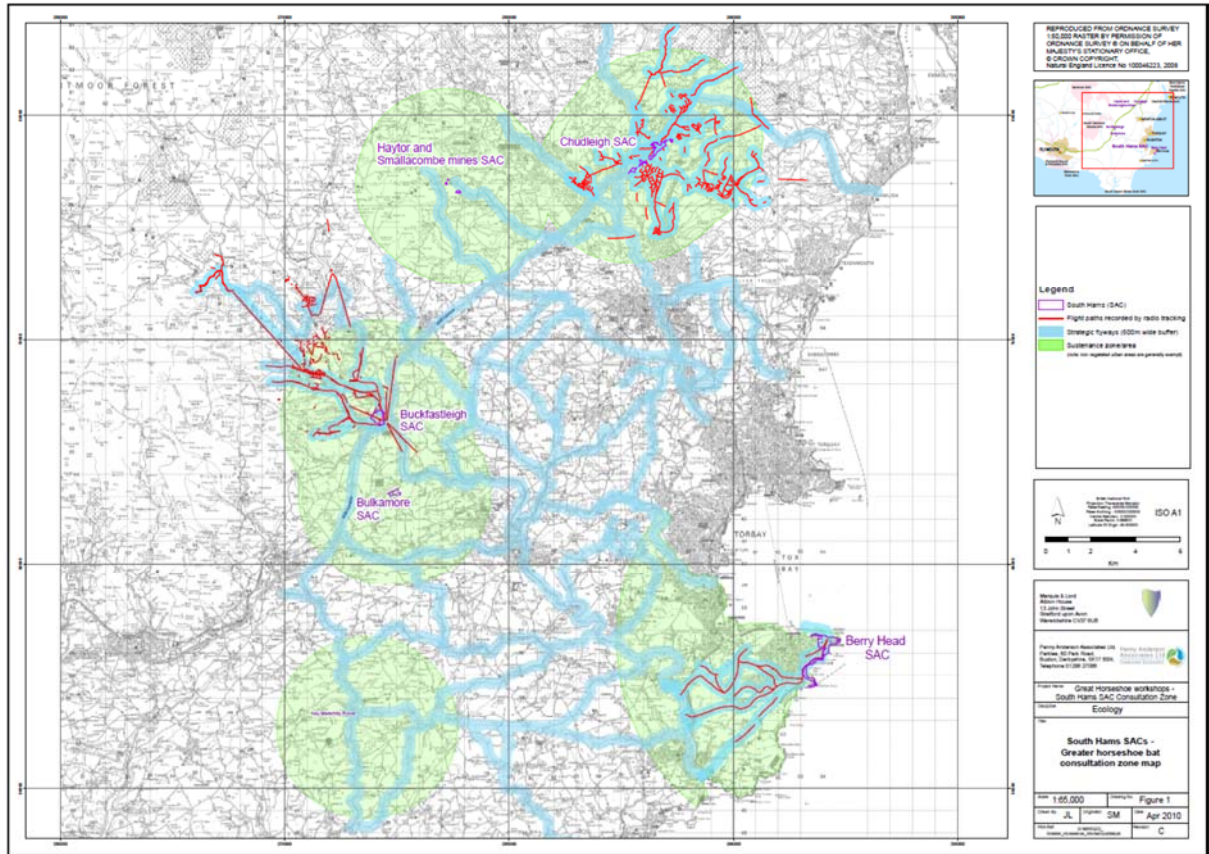
Torbay Council as the competent authority should ensure there are no likely significant effects on European designated sites. All housing and employment sites have to undergo HRA screening before they can be allocated in the plan.

There are two housing sites (St.Kilda and Waterside Quarry) as well as two employment sites (Galmpton Sewage Works and Broadsands Beach behind promenade) that have not been covered in the Torbay Local Plan HRA and we do not think they have received the appropriate level of HRA screening and therefore further HRA screening is needed at this stage.

The Future Planning Team has instructed the Council's ecologist to provide HRA screening similar to the Torbay Local Plan HRA Site Appraisal Report on these four sites as well as a review of the Ecological Survey Report. This piece of evidence will be made available to the Forum as soon as the Team receives it.

Specific comments:

Page	Section / Policy/Table	Comment
11	Table 1/ Policy J1	Add under potential impact pathway present, include: <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC.
13	Table 1/ Policy J7 and J8	The policy should comply with the Local Plan Policy TO3 regarding Lyme Bay and Torbay Marine SAC.
14	Table 1/ Policy H3	Add under potential impact pathway present include <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC
18	Table 1/ Policy E8	The Policy referred to the South Hams SAC, which is international designated site. Change the title to: <i>Internationally and Nationally Important Ecological Sites.</i>
23	5.1.1 second paragraph	Employment sites have to undergo HRA screening before they are been allocated. Galmpton Sewage Works and Broadsands Beach behind promenade have not been covered in the Torbay Local Plan HRA and therefore should be HRA screened at this stage prior to allocation in the BPNP.
24	5.1.2 Table 2 Waterside Quarry	The survey method used does not cover the full period from April to October as required for sites within the South Hams SAC GHB Sustenance Zone as set out in Natural England's 2010 SAC Planning Guidance for South Hams.
24	5.1.2 Table 2 Knapman's Yard	The HRA should recommend strategic mitigation for the in-combination impact on Greater horseshoe bats.
26	Section 6	Include in the in-combination assessment a third bullet point: <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC.



ⁱ South Hams SAC - Greater horseshoe bat consultation zone planning guidance (2010) and Consultation zone map.

Brixham Neighbourhood Plan

Review of Greena Ecological Consultancy's Ecological Survey Report and HRA Site Appraisal for Two Residential and Two Employment Sites

Comments provided for Torbay Council

By Michael Oxford, Greenbridge Ltd

Advising South Devon Councils on HRA and SAC Bat Issues
17th May 2017

Introduction and Background

1. Torbay Council have commissioned Greenbridge Ltd to undertake:
 - a. A review of Greena Ecological Consultancy's *Ecological Survey Report* (2016) that was prepared to inform the Habitat Regulations Screening Appraisal that forms a vital part of the Brixham Neighbourhood Plan process, and also;
 - b. A Habitat Regulations Screening Appraisal for two residential and two employment sites allocated in the Brixham Neighbourhood Plan; where these sites include:
 - Housing proposals for Waterside Quarry, Paignton
 - Housing proposals for St Kilda, Brixham
 - Employment proposals for Galmpton Sewage Works
 - Employment proposals for Broadsands Beach
2. The purpose of this Screening Appraisal is to establish whether proposed development for the above sites will have a likely significant effect (LSE) on the greater horseshoe bat roost at Berry Head, which has been designated as a Special Area of Conservation (SAC) and protected under the Habitat and Species Regulations (2010).
3. As such, the Screening Appraisal of the above sites has been informed by a comprehensive review of relevant sections of key documents relating to the Brixham Neighbourhood Plan¹ and the accompanying 'original' and 'revised' Aecom *Habitat Regulations Assessment Screening* (dated Dec. 2016 and April 2017) commissioned by Brixham Parish Council. Additional information on greater horseshoe bats across the Plan area (that is in the public domain) has also been used where relevant to identify bat activity on or near the proposed sites and to identify any consequent adverse effects likely to arise as a result of proposed development.
4. In summary, of the four sites assessed, only one (Waterside Quarry) is judged likely to have a significant adverse effect on the greater horseshoe bat roost at Berry Head.
5. Part 1 below provides a review of Greena Ecological Consultancy's survey report and Part 2 provides a Habitat Regulations Screening Assessment of the four sites identified above.

¹ *Brixham Peninsula Neighbourhood Plan (January 2017) Policy Document*
Brixham Neighbourhood Plan (January 2017) Employment Site Assessment
Brixham Neighbourhood Plan (January 2017) Housing Site Assessment – Preliminary Consultation Document

Part 1 Review of Greena Ecological Consultancy's Survey Report

Review of Ecological Survey Report

6. Greena Ecological Consultancy has a well-established reputation for bat surveys and are recognised as having considerable expertise in this field of work.
7. They were commissioned to prepare an Ecological Survey Report (dated November 2016) to support the Brixham Neighbourhood Plan. Unfortunately, it is not clear from the report whether they were commissioned to do this by Brixham Parish Council or as a sub-contractor by Aecom, where the latter was commissioned by the parish council to prepare the Habitat Regulations Screening Assessment for the Neighbourhood Plan.
8. The aims of the Greena Ecological Consultancy report are set out on page 8, where it states:

"The aim of the survey and supporting desk study was to satisfy the requirements of the National Planning Policy Framework (NPPF) paragraphs 109-125, ODPM Circular 06/05 paragraph 116 as well as to be in line with Devon Local Plan and Core Strategy and to identify ecological features within or near the site that could potentially pose a constraint to the proposed development and opportunities for incorporating biodiversity enhancements into development proposals. The following ecological features were relevant to the survey carried out by Greena Ecological Consultancy:

- i. Proximity to statutory and non-statutory designed wildlife sites*
- ii. Proximity to England Biodiversity Priority (EBP) or local Biodiversity Action Plan (BAP) habitats and networks of these habitats*
- iii. Legally protected wildlife species with focus on Annex II species potentially affected by the proposed development*
- iv. EBP or local BAP species*
- v. All other species of wildlife potentially affected by the proposed development*
- vi. Any potential impact on Brixham bat SAC*

This report has been produced with reference to current guidelines for preliminary ecological appraisal (CIEEM 2012) and as part of screening for any Likely Significant Effect on European Sites qualifying features".

9. On examination of the actual content of the report, it has to be said that unfortunately very few of these aims have been met.
10. For instance, the content of the report does not provide any specific information that is sufficient to satisfy many of the requirements of the NPPF (paras. 109-125) although information provided does help address paragraph 116 of the ODPM Circular 06/05.
11. It is also unclear what the relevance, if any, of the Devon Local Plan and Core Strategy are to the work undertaken in the Brixham area.
12. Furthermore, the report provides very few, if any, recommendations on what opportunities exist on each site examined to incorporate biodiversity enhancements into the development proposals. Likewise, the report makes NO reference to:
 - Statutory and non-statutory designated wildlife sites (other than the South Hams SAC)
 - EBP or BAP habitats and networks
 - EBP or BAP species
 - Other species potentially affected by the proposed development
13. With regard to legally protected species, the report is also limited exclusively to consideration of bat species, with the focus on greater horseshoe bats being the main Annex II species considered.

14. Notwithstanding the above comments about how the report did not meet many of its own stated aims, for the purposes of informing the Aecom Habitats Regulations Screening Assessment, the work does – with one exception with Waterside Quarry – appear to be adequate. Consequently, it provides valuable evidence to help inform the screening of Plan proposal sites for any Likely Significant Effect on the qualifying features of the Berry Head component of the South Hams SAC European Site.
15. Section 3 of the Greena Ecological Consultancy report provides a description of the sites examined, including maps of their locations and valuable photographs of buildings where relevant. With the exception of Waterside Quarry, these descriptions appear to offer a reasonable account of the features present and their value to bats, and greater horseshoe bats in particular.
16. Section 4 describes the methods used to undertake the work, and while such a section would normally precede the contents of Section 3, the methods and equipment employed to undertake fieldwork appear consistent with established good practice. It is unfortunate, though, that the desk search (see section 4.1) drew only upon the National Biodiversity Network (NBN). It is very likely that reference to the Devon Biological Records Centre (DBRC) would have yielded more valuable local results, providing evidence of local greater horseshoe roosts and recorded activity in the landscape. Absence of local data such as this should have been reported, in Section 5 (Survey Constraints) as a ‘limitation’² on the work.
17. Section 6 of the report presents the results of the various surveys undertaken, including building inspections and activity surveys.
18. The findings and conclusions on likely bat activity presented by Greena Ecological Consultancy appear to be sound for all of the sites they examined except for the work undertaken for Waterside Quarry. A more in depth review of their findings for this latter site is presented below.

Review of Survey Findings for Waterside Quarry

19. Figure 1 below, taken from Figure 18 on page 19 of their report, shows the apparent extent of the area under examination by Greena Ecological Consultancy. This area is less than the area proposed for allocation in the Neighbourhood Plan (see Figure 2 of this Document) and consequently no survey for bats appears to have been undertaken across the northern part of the Plan proposal site. This is an omission and one not reported by either Greena Ecological Consultancy nor by Aecom in their HRA of the Neighbourhood Plan.
20. Greena’s report (page 26) states:

“The preliminary assessment of Waterside Quarry took place in October 2015 ... and in March 2016 was again assessed”.
21. On page 23 of the report, it explains that two static bat detectors were installed on site between 3rd and 11th October 2015 and were left recording throughout the night.
22. Grid references are provided for the location of these two detectors (SX89313 58168 and SX 89288 58144) and these indicate that both detectors were located on the higher ground towards the southern part of the site and within the eastern half of the area bounded in red on Figure 1 of this Document (see below).

Figure 1 Waterside Quarry Site Boundary (as surveyed by Greena Ecological Consultancy)

² Limitations should be reported in accordance with Clause 6.7 of BS42020:2013 Biodiversity – A Code of Practice for Planning and Development.



23. On page 25 of the report, Greena identify constraints associated with the survey, where they state:

“Monitoring at Waterside Quarry was limited to the end of the active bat season and further surveys were originally recommended. However, an extensive clearance [of vegetation] took place on the site making the land no longer suitable as greater horseshoe foraging habitat and due to the lack of connectivity with the surrounding landscape”.

24. Also on page 32, Greena state that a total of 67 bat calls were detected by the two detectors; these were identified as common pipistrelle, Soprano pipestrelle and Myotis alcaethoe; with an additional five recorded calls being made by unidentified species. No greater horseshoe bats were recorded.

25. Based on the above findings, Greena (page 32) state:

“Based on the recordings and acknowledging the limitations of the surveys caused by less suitable, although acceptable, time of year for bat surveys, it can be concluded that the surveyed area was moderately used by common bat species for foraging and commuting in 2015”.

26. At the bottom of page 32, where Greena conclude:

“An extensive clearance of the Waterside Quarry site took place in winter of 2105/2016 and the site became unsuitable for Annex II species of bats. Accordingly, no further surveys at the Waterside Quarry site took place”.

27. Greena also report (see page 33) that they found no confirmed roosting sites for greater horseshoe bats at any of the sites that they examined across the Plan area.

Observations on Greena Ecological Consultancies Findings and Conclusions

28. While none of the statements set out above are incorrect, the reporting of bat activity on the Waterside Quarry site by Greena Ecological Consultancy must be set in context with other information now available to Torbay Council. As a consequence, Greena’s conclusions must – as is explained below - be viewed with considerable caution and should not be taken as an

accurate account of greater horseshoe bat activity on this site. The following observations support this position.

Observation No 1 Survey Effort is Inadequate

29. Firstly, as is acknowledged in their report, the Greena surveys extended over only one week late in the 2015 survey season. As such, this level of survey effort is not considered adequate to assess a site's overall value for greater horseshoe bats. Natural England's South Hams SAC Guidance (2010) states that both transect and static detector surveys are required through the period from April to October.

Observation No 2 No Medium or Long-term Adverse Effect from Vegetation Clearance

30. The area subject to site clearance may well have provided unsuitable foraging habitat for greater horseshoe bats in the months immediately following clearance (e.g. as found by Greena in March 2016). However, it is apparent from visiting the site recently (4th May 2017) that there has been considerable re-growth on site, providing habitat that is now likely to be a rich source of prey species for foraging bats. As of this year, and if left to mature in the future, vegetation on site will therefore once again provide suitable foraging habitat for Annex II species of bats. The extent and height of re-growth is apparent in Photo No 1 below.

Observation No 3 Not All of the Plan Proposal Site was Cleared of Vegetation

31. While a large part of the site, subject to survey by Greena, may have been cleared of vegetation, this area does not constitute the whole of the Plan proposal site. As a consequence, a considerable amount of high quality mixed habitat remains untouched on the northern and north-western parts of the Plan site. This is apparent in the Google Earth Pro Image No 1 (see below) that provides a fair and reasonable representation of remaining vegetation on the site. The approximate extent of the areas that were cleared of vegetation in 2015 are shown in the image within the yellow dotted lines.

Observation No 4 Greena Did Not Identify the Greater Horseshoe Bat Roost on Site

32. The survey area covered by Greena did not include the northern part of the site which includes the quarry face where there is known to be a greater horseshoe roost in a cave in the rock face. Greena's conclusion on page 33 of their report, that there are no confirmed roosts on any of the sites surveyed, is therefore now incorrect.

Observation No 5 Known Areas of Greater Horseshoe Activity on Site were Not Surveyed

33. Greena Ecology appears not to have surveyed the northern and north-western parts of the Plan Proposals site, and thereby missed areas where greater horseshoe bats have actually been recorded commuting and foraging (see footnote 3 on page 7 for references relating to recorded activity on site). While this is unfortunate, this omission is not necessarily a criticism of Greena because they may have been commissioned to survey only a part of the site e.g. the area shown bounded in red in Figure 1 above.

Observation No 6 There is Adequate Connectivity in the Surrounding Landscape

34. On page 25 of their report, Greena assume that the site lacks connectivity with the surrounding landscape. This assumption is clearly not correct, as is evidenced by the presence of greater horseshoe bats on site, demonstrating that there is adequate habitat connectivity for them to reach the site. This movement is most likely in the direction of the coast only 300m to the east, and possibly also to the west where there are other sites with recorded greater horseshoe activity, the closest at Beverly Park Holiday Park less than 250m from Waterside Quarry.

Photo No 1 Regrowth of Vegetation on the Cleared Part of the Waterside Quarry Site



Photo: Mike Oxford 4th May 2017

Google Earth Pro Image No 1 Vegetation Remaining on the Plan Proposals Site



PART 2 Habitat Regulations Screening Assessment

Screening Assessment for Housing Proposals at Waterside Quarry

35. The housing proposals at Waterside Quarry, Paignton are for a 0.79 hectare site where it is considered that the site could support 10 homes at a low density of 12.6 per hectare (as stated on page 50 of the Housing Site Assessment (Jan 2017). The allocation is shown in Figure 2 of this document.
36. Unfortunately, as set out in Part 1 above, the conclusions presented by Greena Ecological Consultancy cannot be used for the Waterside Quarry site to inform any reliable Habitats Regulations Appraisal. This is because other bat surveys on site³ (before, during and after the period of the Greena surveys) have established that the site includes a cave in the quarry face that supports greater (and lesser) horseshoe bats during both the summer and winter. These other surveys have been undertaken to inform two planning applications at the northern end of the site at the lower end of Waterside Road, submitted by Coyde Construction Ltd (application numbers P/2016/0822 & P/2016/0824).
37. With the benefit of hindsight now possible in 2017, it is apparent that the Greena Ecological Consultancy survey effort for Waterside Quarry was inadequate and appears to have been curtailed prematurely when vegetation was cleared from the southern part of the Plan proposal site after the first set of surveys in 2015. As a consequence, Greena were unable to undertake adequate surveys across anything more than just a few days in October 2015. Under the circumstances, it is not surprising that they did not record any greater horseshoe bats,

Waterside Quarry's Likely Importance as a Mating and Hibernation Roost

38. Green Ecology have recorded greater horseshoe bats foraging and commuting across the central mosaic habitats within the northern part of the Plan Proposals site during autumn surveys in 2013, 2015 and 2016. Levels of activity recorded was not constant across these three years of survey, with highest levels recorded in 2015 prior to the vegetation clearance on the southern part of the Plan proposals site.

NOTE For the avoidance of confusion, Green Ecology is a different company to Greena Ecological Consultancy.

39. Greater and lesser horseshoe bats have been recorded roosting in a cave in the quarry face in the north-eastern part of the Plan Proposal site.
40. Green Ecology believe that the cave is used as a mating roost, making it significant in terms of the Waterside Quarry site's relationship with the breeding site at the Berry Head SAC Roost.
41. Green Ecology also considers that the roost is likely to support single or low numbers of greater horseshoe bats during both winter and summer. If correct, this again would mean the roost could be significant, especially as it may support over-wintering male greater horseshoe bats that form an essential and extended component of the colony at Berry Head.
42. These findings/conclusions appear to have been accepted by Natural England (9th May 2017) in their consultation response to Torbay Council for the planning applications submitted by Coyde Construction. Natural England note that development has the potential to impact upon a roost that may support mating activity associated with the South Hams SAC.

Waterside Quarry's Likely Importance as Part of a Commuting Route

³ Green Ecology (April 2013) *Preliminary Ecological Appraisal*. Goodrinton Quarry, Waterside Road, Paignton.
Green Ecology (November 2013) *Bat Survey Report*. Goodrinton Quarry, Waterside Road, Paignton.
Green Ecology (June 2016) *Extended Phase 1 Letter Update Report*. Goodrinton Quarry, Waterside Road, Paignton.
Green Ecology (June 2016) *Bat Survey Report*. Goodrinton Quarry, Waterside Road, Paignton.
Green Ecology (February 2017) *Bat Addendum Report*. Goodrinton Quarry, Waterside Road, Paignton.

43. Green Ecology (February 2017: page 13) consider it unlikely that the site supports horseshoe movement towards the west of the site; they state:

“The Site and/or roost was accessed by Rhinolophus (horseshoe) bats via Waterside Road as well as via land to the south, over the quarry face. No bats were recorded accessing the Site via Dartmouth Road and this is likely to be due to the high light levels along this dual carriageway forming a barrier to dispersal to light averse bat species. It is therefore unlikely that a commuting route exists between the site and Paignton Zoo caves / Clennon Gorge / Valley area”

44. However, Green Ecology also conclude that:

“The Site could form a stepping stone between these, but more likely to join alternative routes which do not cross Dartmouth Road adjacent to the Site. There are a number of potential routes across Dartmouth Road which facilitates darker and narrower widths of lit road to cross, and are considered more likely to be utilised by greater horseshoe bats such as to the north via the railway”.

45. In reaching this latter conclusion, Green Ecology may not be aware that greater horseshoe bats have also been recorded on the other side of Dartmouth Road, less than 250m to the west of Waterside Quarry, at the Beverly Park Caravan Site (shown in Image 2 below as the orange circle on the lower yellow dotted line to the west of Dartmouth Road).

Google Earth Pro Image 2 – Green Corridors and Potential GHB Flyways



NOTE 1: The orange circles in the image above indicate sites where greater horseshoe bats have been recorded since 2015. The circle at the top of the image is at Paignton Zoo and the lowest circle is at Waterside Quarry.

NOTE 2: The yellow lines show potential routes capable of being followed by greater horseshoe bats allowing them to move through the built up landscape between the coast and the Clennon Valley and Paignton Zoo. The white dashed line shows the railway along the coast.

46. There is compelling evidence that greater horseshoe bats are using a network of green corridors through the built up areas of Paignton. Such evidence, is based on sites with known records of greater horseshoe bats and through study of Google Earth Pro (see Image 2 above) that show green connectivity from the coast extending inland through the urban area.
47. As indicated by Green Ecology, when viewed in context with its wider surroundings (see Image 2 above) Waterside Quarry may serve as a 'node' or 'stepping stone' along one or more green routes. The site could, therefore, easily form an important link in the chain of connecting habitat along the coast - linking the Berry Head SAC roost with the sea caves near Churston Golf Course and the roost at Paignton Zoo.
48. Greater horseshoe bats are known to have been present in caves at Paignton Zoo for a number of years (i.e. records from 1991). It is also known that the numbers fluctuate considerably from summer to winter, with the highest numbers recorded between November and March. This would suggest that these bats disperse during the spring and summer only returning to hibernate in the autumn. So protection and retention of robust routes for dispersal through the built up areas of Paignton is vitally important if current population levels and patterns of distribution are to be maintained.
49. Under normal circumstance, Waterside Quarry might be considered as providing sub-optimal habitat for greater horseshoe bats. However, while the surrounding area is built up and subject to varying levels of artificial light, there are still viable green corridors along which greater horseshoe bats can commute through the urban landscape. This would suggest that the local population is adapted to this environment and capable of moving from one 'stepping-stone' to another⁴.

The Importance of Linear Features and Stepping Stones

50. Across Europe, all of the Special Areas for Conservation (SACs) and Special Protection Areas (SPAs) together contribute to the European Natura 2000 network. The protection, management, and enhancement of such ecological networks, and especially those relating to the *Natura 2000* network, are identified as being particularly important in the *EU Habitats Directive*.

51. Article 3 of the Directive states:

Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.

52. Article 10 then goes on to explain:

Member States shall endeavour, where they consider it necessary, in their land use planning and development policies and, in particular, with a view to improving the ecological coherence of The Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems of marking field boundaries) or their function as stepping-stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

53. Relevant to Waterside Quarry, *The Conservation of Habitats and Species Regulations (2010)* transpose the above EU Directive into English legislation. Regulation 39 requires development

⁴ This proposition is supported by radio tracking of greater horseshoe bats leaving the roost at the Berry Head SAC roost, which has confirmed that some bats, at least, are capable of moving through the built up edge of Brixham without reliance on any particularly strong green networks (English Nature 2003 Greater Horseshoe Bat Project 1998-2003. Research Report 532).

plan policies to include policies that implement at the local level the requirements of Article 10 so as to encourage the management of features of the landscape which are of major importance for wild flora and fauna e.g. linear features and stepping-stones.

54. The explanatory text with Policy NC1 (section 6.3.2.7) states:

“In relation to Greater Horseshoe Bats, Policy SS8 is consistent with Regulation 39 of the Habitat and Species Regulations (2010) and with Natural England’s High Level Conservation Objectives for the South Hams SAC. It aims to maintain the Greater Horseshoe Bat population at favourable conservation status, which is a requirement of the South Hams SAC conservation objectives”.

55. Torbay Local Plan Policy SS8 (1) states:

“Sites, species and habitats protected under European, or equivalent, legislation will be protected from development. Development around the edge of the built-up area will be required to protect and manage wildlife and habitats, including corridors between them, in accordance with Policy NC1. Particular attention must be paid to Greater Horseshoe Bat flight paths and Cirl Buntings”.

56. Torbay Local Plan NC1 states:

“... 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 habitats.

Development around the edge of the built-up area that is within the Berry Head SAC Sustenance Zone or likely to affect strategic flyways of Greater Horseshoe Bats will as appropriate be required to protect existing hedgerows (including remnant hedges and veteran trees) that surveys show are being used as bat flyways. Such development will also enhance the existing flyways by providing features (such as linear corridors of hedgerows) to maintain and improve the ecological coherence of the landscape, necessary to maintain the Torbay population of Greater Horseshoe Bats in ‘favourable conservation status’. This will include maintaining lighting levels at 0.5 lux”.

57. In addition, Torbay Local Plan Policy SS9 (e) states:

“Where necessary, green infrastructure should be designed to mitigate for loss of foraging habitat and/or linear features used as flyways by greater horseshoe bats where the features lost contribute to the integrity of the South Hams SAC”.

58. Policy E8 of the draft Neighbourhood Plan (Preliminary Consultation Document 2017) also provides protection for greater horseshoe bats; it states:

“Development will not be permitted where it would adversely affect the ecologies of the important areas designated as Sites of Special Scientific Interest (SSSI) (including Berry Head to Sharkham and Saltram Cove), part of the South Hams Special Area of Conservation (Berry Head to Sharkham) or National Nature Reserve (Berry Head)...”.

“... In particular, development will not be permitted where it could ...threaten the habitat of greater horseshoe bats, its roost, its strategic flyways and its sustenance zones”

59. Ultimately however, in addition to the above Local and Neighbourhood Plan Policies, the proposed development must satisfy the statutory requirements set out in Regulation 61 of the *Habitat and Species Regulations 2010*.

Likely Significant Effect on the South Hams SAC

60. This site has been considered in the Aecom (April 2017) HRA Screening Assessment where they state:

“Table 3 discusses the potential effect of the development of each identified housing site on greater horseshoe bats. Note that the purpose of the examination at this stage is purely to confirm that sites identified for housing in the Local Plan are likely to be deliverable without an adverse effect on bats (for example, because there is no suitable habitat or because it is likely that potentially important foraging/commuting features could be preserved)”. (see Section 5.1.2; page 26/37)

In considering Waterside Quarry, Aecom conclude:

“No buildings. Habitat subject to week-long monitoring in 2015 where no greater horseshoe bats were recorded. It is recognised that this does not meet the survey standards set out for South Hams SAC but is included purely for information. The site has since been cleared (according to the Greena Ecological Consultancy report from November 2016) and is thus no longer suitable for greater horseshoe bats”. (see Table 3; page 27/37).

61. Unfortunately, as is explained above, both Greena Ecological Consultancy and Aecom are incorrect in their assessment of the value of the Waterside Quarry site for greater horseshoe bats. As a consequence, the conclusions of the Habitat Regulations Screening Assessment for this site should not be used to inform the final allocation of sites in the Brixham Neighbourhood Plan.
62. It should also be noted that the allocation of only 10 houses at Waterside Quarry should be viewed as making a very limited contribution to overall housing numbers across the Plan area. In other words, the justification for allocating this site in the Brixham Neighbourhood Plan needs to be weighed against the likely adverse effect on greater horseshoe bats, on a site known to contain a roost, and where – despite vegetation clearance in 2015 – activity has been recorded since 2013.
63. In light of the additional bat data available to Torbay Council, and following the precautionary principle, it is the conclusion of this Screening Appraisal that the Neighbourhood Plan allocation for this site is likely to have such a significant adverse effect on greater horseshoe bats and thereby on the Berry Head component of the South Hams SAC.
64. The Neighbourhood Plan allocation proposals for Waterside Quarry would almost inevitably lead to the loss of most of the semi-natural vegetation on site, and with it the majority of (if not all) suitable habitat for greater horseshoe bats, where this currently supports foraging/commuting activity on site and helps provide valuable protection and buffering from light at the cave roost. Furthermore, the cave is thought to be both a mating and a hibernation site making the value of the site even more significant in relation to the South Hams SAC.
65. Loss of suitable habitat on site is also likely to have an adverse effect on how greater horseshoe bats move through this part of the urban landscape in Paignton, because it would greatly reduce (or even destroy completely) the site’s potential to function as a stepping stone in the landscape.
66. This allocation should therefore be removed from the Brixham Neighbourhood Plan as being contrary to BNP Policy E8 and contrary to Local Plan Policies SS8, SS9 and NC1.

Screening Assessment for Housing Proposals for St Kilda

67. The housing proposals at St Kilda's Brixham are for a 0.25 hectare site where it is considered that the site could support at least 20 residential units for assisted living at a density of 80dph (as stated on page 34 of the Housing Site Assessment (Jan 2017)).

68. In looking at this site in terms of its suitability for greater horseshoe bats, Greena Ecological Consultancy reported on the results from three sites as follows:

"The police Station due to its modern construction and location in a highly illuminated urban area is both unsuitable and with no potential roosting provision for Horseshoe bats, this also applies to St Kilda's and Northcliffe Hotel".

69. This site has been considered in the Aecom (April 2017) HRA Screening Assessment where they state:

"Table 3 discusses the potential effect of the development of each identified housing site on greater horseshoe bats. Note that the purpose of the examination at this stage is purely to confirm that sites identified for housing in the Local Plan are likely to be deliverable without an adverse effect on bats (for example, because there is no suitable habitat or because it is likely that potentially important foraging/commuting features could be preserved)". (see Section 5.1.2; page 26/37)

In considering St Kilda's specifically, they conclude:

"Investigation has judged this site to be unsuitable for bats due to its modern construction and location in a highly illuminated urban area" (see Table 3; page 27/37).

70. The above conclusions appear to represent a reasonable assessment of the site's capability to support habitat suitable for greater horseshoe bats. It is therefore unlikely that development of St Kilda's will lead to a likely significant effect on the Berry Head component of the South Hams SAC.

71. Consequently, no further Habitat Regulations Screening Assessment is required.

Screening Assessment for Employment Proposals for Galmpton Sewage Works

72. The employment proposals for the former Galmpton Sewage Works are for B1 marine related business (as stated on page 18 of the Employment Site Assessment January 2017).

73. This site has been considered in the Aecom HRA Screening Assessment (page 25/37) where they conclude:

"Galmpton Sewage Works is situated within the sustenance zone and potentially adjacent to a greater horseshoe bat strategic flyway. Galmpton Sewage Works contains an area of mature trees which can provide suitable foraging conditions for bats. Large mature trees also have the potential to provide night roosts. Without appropriate design and mitigation loss of mature trees, a likely significant effect on the South Hams SAC could not be ruled out. Further surveys required to identify the use of the site by greater horseshoe bats. However, it is likely that the site could be developed in such a way as to retain the necessary features".

74. The above conclusions appear to represent a reasonable assessment of the site's capability to (a) support habitat suitable for greater horseshoe bats, and (b) to provide opportunities for a sympathetic design that incorporates appropriate mitigation measures, that are set out in Aecom HRA document. Under these circumstances, it is therefore unlikely that development of Galmpton Sewage Works will lead to a likely significant effect on the Berry Head component of the South Hams SAC.

75. Consequently, no further Habitat Regulations Screening Assessment is required.

Screening Assessment for Employment Proposals for Broadsands Beach

76. The employment proposals for Broadsands Beach are for possible development of D2 beach holiday businesses, sailing school and water sports centre (as stated on page 18 of the Employment Site Assessment (Jan 2017)).
77. This site has been considered in the Aecom HRA Screening Assessment where they conclude:
- “Broadsands Overflow Car Park is situated within the sustenance zone for greater horseshoe bats. Further surveys are required to identify the use of the site by greater horseshoe bats. However, it appears likely that the site could be developed in such a way as to protect any features that may be of importance for greater horseshoe bats, since any features that may be important are on the perimeter of the site”.*
78. The above conclusions appear to represent a reasonable assessment of the site’s capability to (a) support habitat suitable for greater horseshoe bats, and (b) to provide opportunities for a sympathetic design that incorporates appropriate mitigation. Under these circumstances, it is therefore unlikely that development of Broadsands Beach will lead to a likely significant effect on the Berry Head component of the South Hams SAC.
79. Consequently, no further Habitat Regulations Screening Assessment is required.

References for Brixham Neighbourhood Plan

Aecom (December 2017) Habitat Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012-2030).

Aecom (April 2017) Habitat Regulations Assessment Screening – Revised post-consultation: Brixham Peninsula Neighbourhood Plan (2012-2030).

Brixham Neighbourhood Plan (January 2017) Policy Document Preliminary Consultation Document.

Brixham Neighbourhood Plan (January 2017) Employment Site Assessment

Brixham Neighbourhood Plan (January 2017) Housing Site Assessment – Preliminary Consultation Document

Greena Ecological Consultancy (Nov 2016) Ecological Survey Report

Additional References Concerning Proposals for Waterside Quarry, Paignton

Green Ecology (April 2013) *Preliminary Ecological Appraisal*. Goodrington Quarry, Waterside Road, Paignton.

Green Ecology (November 2013) *Bat Survey Report*. Goodrington Quarry, Waterside Road, Paignton.

Green Ecology (June 2016) *Extended Phase 1 Letter Update Report*. Goodrington Quarry, Waterside Road, Paignton.

Green Ecology (June 2016) *Bat Survey Report*. Goodrington Quarry, Waterside Road, Paignton.

Green Ecology (February 2017) *Bat Addendum Report*. Goodrington Quarry, Waterside Road, Paignton.

General References

BS42020:2013 Biodiversity – A Code of Practice for Planning and Development.

English Nature (2003) Greater Horseshoe Bat Project 1998-2003. Research Report 532

Natural England (2010) South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance.

Natural England (May 2017) Consultation Response for Planning Applications Goodrington Quarry, Waterside Road, Paignton.

Figure 2 Housing proposals for Waterside Quarry, Paignton

Housing Site Assessment

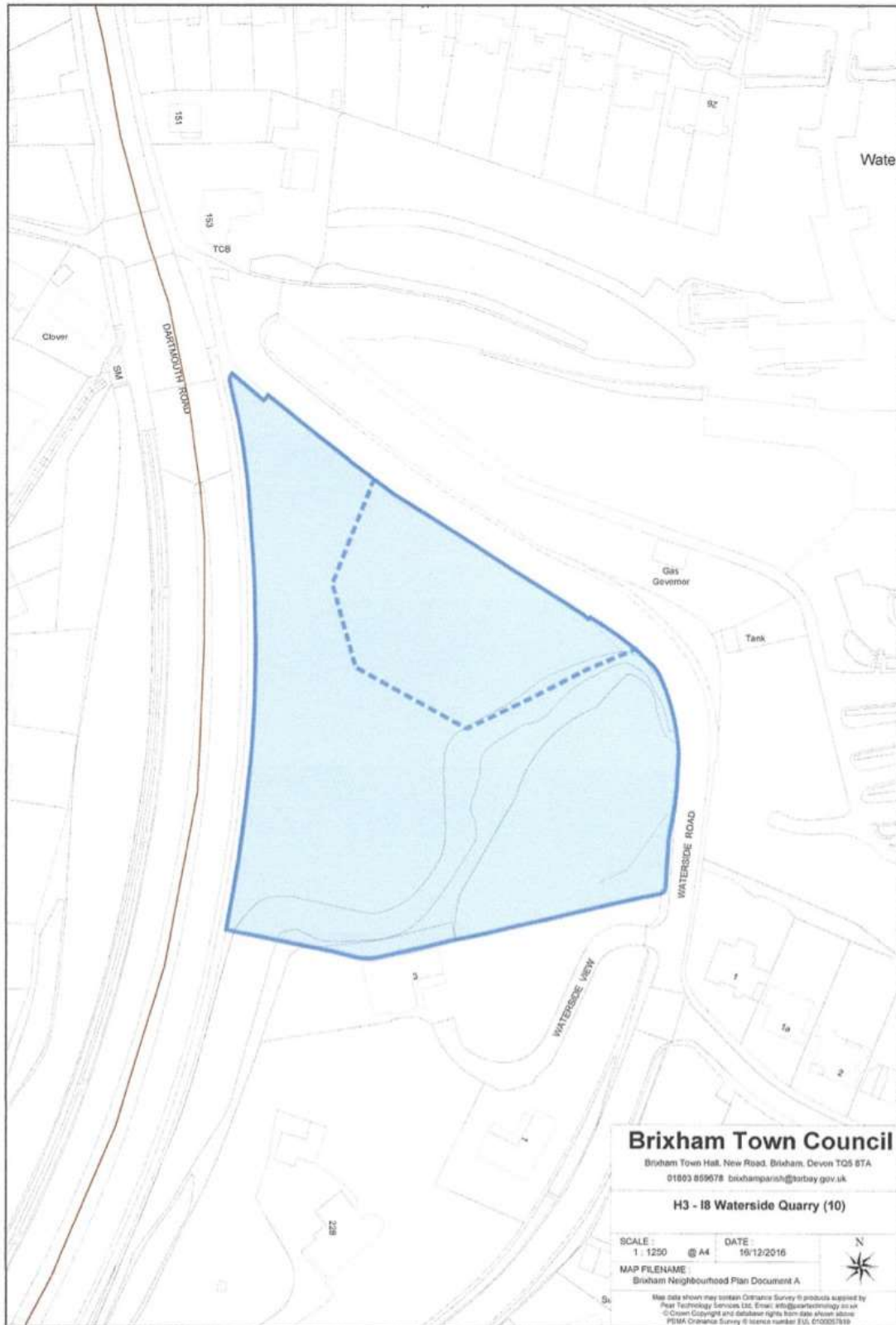


Figure 5 Housing proposals for St Kilda, Brixham

Housing Site Assessment

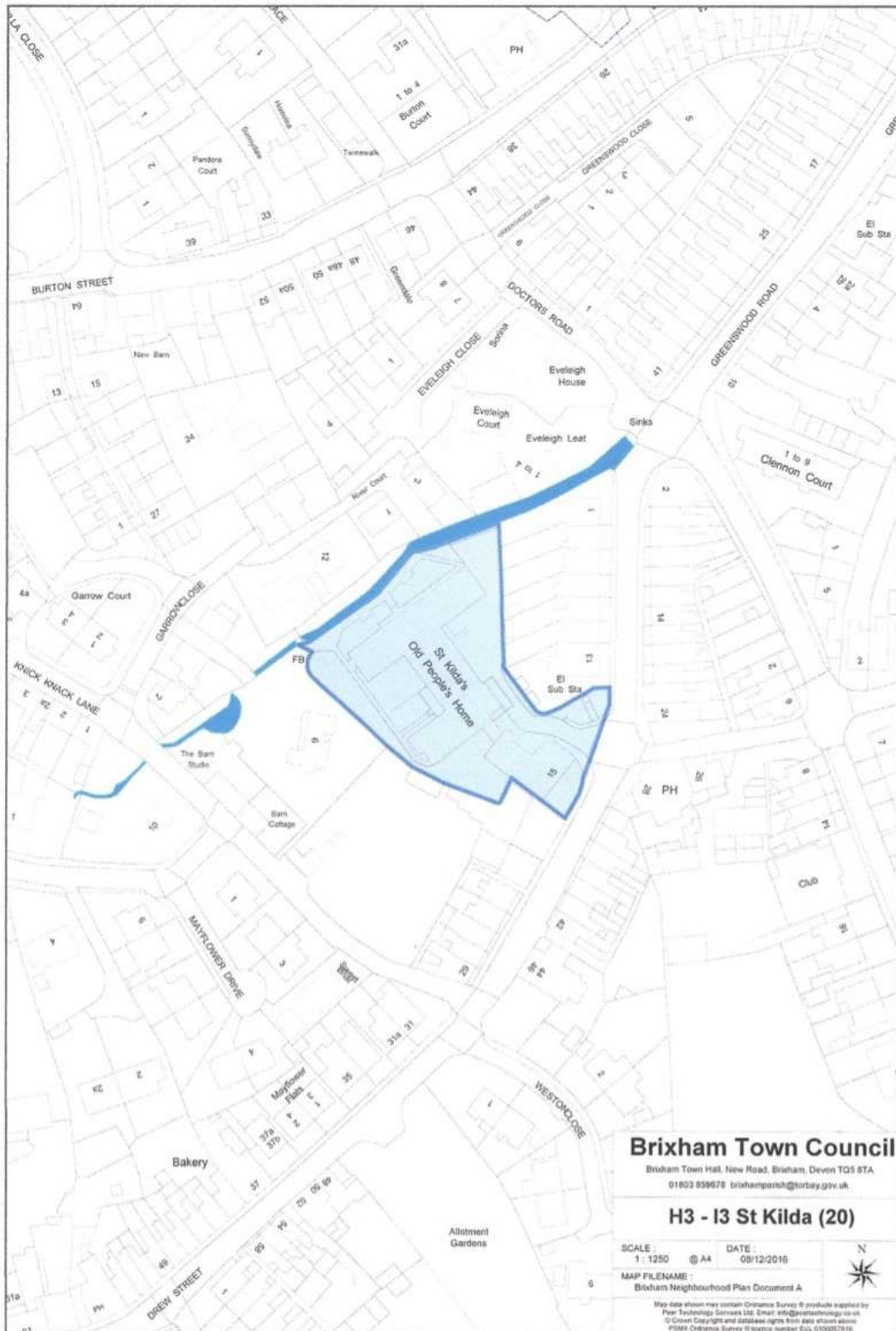


Figure 4 Employment proposals for Galampton Sewage Works

A1.6 Map of former Sewage Works (J1 – 6)

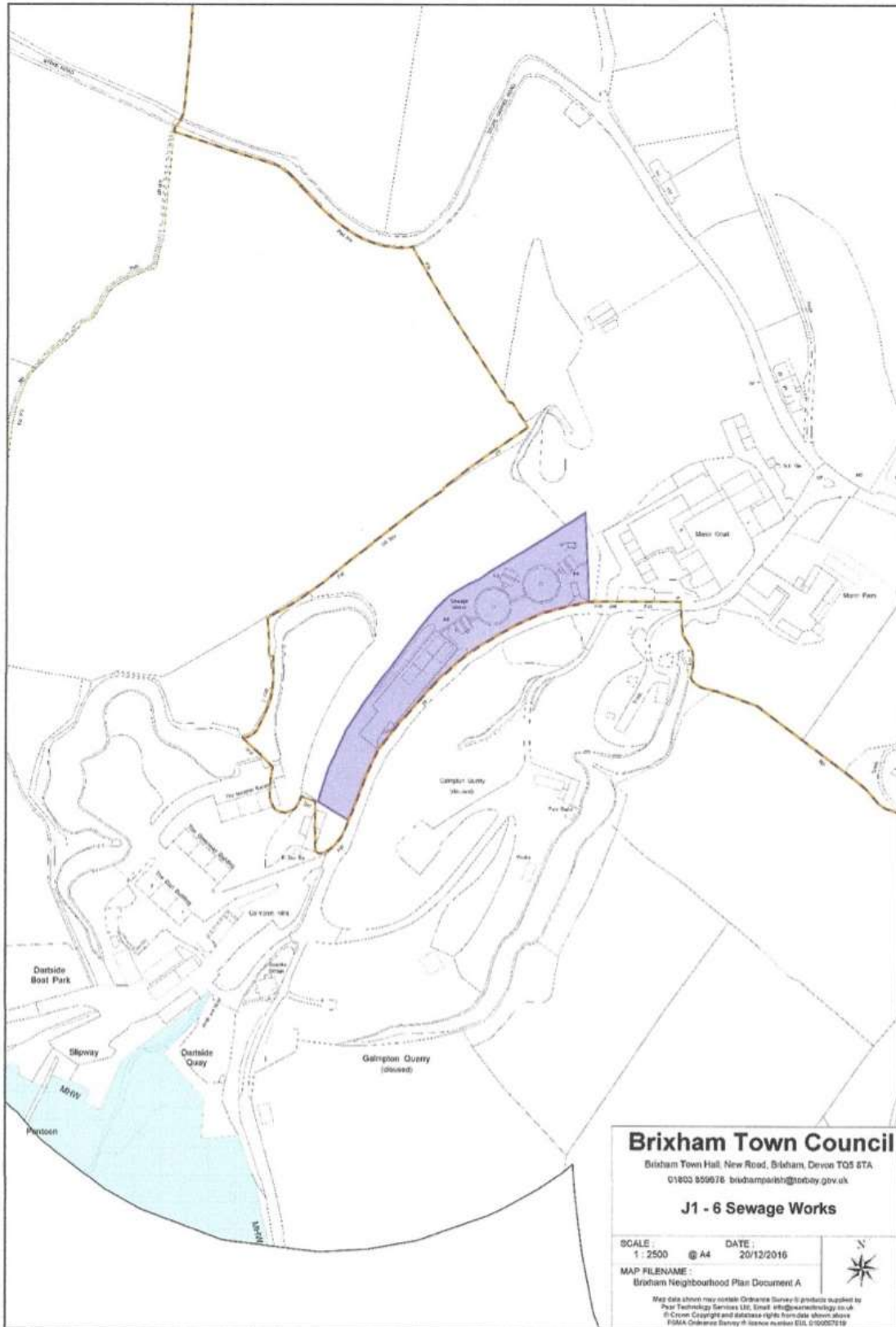


Figure 5 Employment proposals for Broadsands Beach

A1.7 Map of Broadsands Beach behind promenade (J1 – 7)

