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## BY EMAIL ONLY

Dear Mr Luscombe

### Planning consultation:

### **Brixham Neighbourhood Plan: Submission Plan, Habitats Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA)**

Thank you for your consultation on the above dated 01 November 2017

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

Natural England welcomes the preparation of the Neighbourhood Plan and the supporting Strategic Environmental Assessment (SEA). We have a number of comments on the Plan and associated SEA Report which we hope you will find useful. These are set out below.

#### Allocated housing Sites (Policy BH3 – Delivery of New Homes) and Employment Sites (policy J1 – Employment Land).

For sites at St Marys/Old Dairy (H3-I2), Oxen Cove/Freshwater (H3-I6)/(J1-2) and Castor Road (H3-I9) the HRA makes specific recommendation regarding mitigation measures. These are set out in section 5.1.2 of the Habitats Regulations assessment report. We advise that the need for mitigation and suggested measures as set out in the HRA be reflected within the accompanying SEA assessment for these sites. For instance for the site at St Marys/Old Dairy the HRA identifies the need to ensure there is no additional light spill, no loss of boundary features and retention of as much of the eastern part of the site as is necessary. This should be reflected in the SEA. It is noted that adopted Torbay Local Plan policy NC1 already makes specific requirements regarding development likely to have a significant effect on the South Hams SAC including a requirement to maintain light levels at 0.5 Lux and to protect existing hedgerows that surveys show are being used as bat flyways.

#### Policy E1: Natural Environment

E1.1. reference should be made to geodiversity as well as biodiversity interests.

E1.2. Where specific designations are referred to a distinction should be drawn between those designated for their biodiversity/geodiversity or landscape interest. A Special Area of Conservation (SAC) is a high quality conservation site designated under the EC Habitats Directive whilst a National Nature Reserve (NNR) is a site of national biodiversity/geodiversity interest. E1.2 appears to be focussed on landscape designations so we question whether it is appropriate to include SACs or NNRs here. Such designations would seem to fit more comfortably under policy E8:

“International and nationally important ecological sites and species”.

E1.3. Neighbourhood Plan policies must comply with the National Planning Policy Framework (NPPF) and the Torbay Local Plan. By referring to other documents such as policies prepared by the National Trust or organisations such as ‘Green Balance’ there is a risk of providing conflicting policy advice. There is no NPPF requirement for development to be in accordance with policy prepared by these organisations. The Neighbourhood Plan may propose policy reflecting the views/policy of those organisations but will need to ensure such policy proposals reflect the NPPF and Torbay Local Plan.

Policy E8: Internationally and nationally important ecological sites and species

Policy E8 gives the same weight to designations of International and national importance and therefore does not accord with the NPPF (para 113). The Neighbourhood plan may wish to rely on adopted Torbay Local Plan policy for protection of designated biodiversity/geodiversity interests rather than repeat generic policy in the Neighbourhood Plan.

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

For any queries relating to the specific advice in this letter only please contact Carol Reeder on 0208 225 6245/07721 108902 or [carol.reeder@naturalengland.org.uk](mailto:carol.reeder@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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