

A landscape for success

The Plan for Torbay to 2032 and beyond



Habitats Regulations Assessment

Local Plan
Consultation Draft

September 2012

Purpose of this Document:

This document presents the findings of the Habitats Regulations Assessment for the Torbay Local Plan. The Habitats Regulations Assessment aims to protect habitats and species of European nature conservation importance.

The HRA Report has been compiled for consultation purposes and your comments are welcome (please see details below to comment).

We Want Your Views!

The Strategic Planning Team welcomes feedback on the HRA Report.

If you wish to comment, please use the contact details below. The consultation period runs in parallel to that of the Local Plan, from Friday 28th September to Friday 9th November 2012.

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Reference copies of this document will be made available at Council Libraries and Connections Offices and at Roebuck House. The Report and accompanying Non-Technical Summary can also be accessed via the internet at www.torbay.gov.uk/newlocalplan

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The purpose of Habitats Regulations Assessment is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European site and to ascertain whether it would adversely affect the integrity⁽¹⁾ of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. The scope of the Habitats Regulations Assessment (HRA) is dependent on the location, size and significance of the proposed plan or project and is first determined by screening.

1.1 Requirement of the Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna, commonly known as the “Habitats Directive” provides for the protection of habitats and species of European Community importance. Article 2 of the Directive requires the maintenance or restoration, at favourable conservation status, habitats and species of European Community interest. This is partly implemented through a network of protected areas referred to as Natura 2000 sites (N2K), consisting of:

- Special Areas of Conservation (SACs) - designated under the Habitats Directive;
- Special Protection Areas (SPAs) - designated under the Wild Birds Directive.
- Ramsar sites, designated under the Ramsar Convention 1971, are treated by the UK Government as if they were Natura 2000 sites in terms of the protection and management afforded to them.

The requirement to undertake the HRA was confirmed by a letter from the Office of Deputy Prime Minister (ODPM) to all planning authorities following a European Court of Justice (ECJ) ruling (ECJ C-6/04 20 October 2005 EC v UK). Amendments to the Habitats Regulations to implement the ruling were published for England and Wales in 2007. The requirement to address HRA has also been noted in the Sustainability Appraisal accompanying the current version of Local Plan.

1.2 Summary of Previous Stages of the HRA

The Regulation 25 Core Strategy “Vision, Objectives and Options for Growth in Torbay” (2009) sets out the spatial planning vision for what Torbay could look like in 20 years time and the objectives to help deliver this. The Screening Report has identified a range of direct and indirect impacts arising from the Torbay Core Strategy Growth Options that could possibly affect European sites within a 20 km radius from Torbay. A summary of the assessment is provided in this section below.

1 Integrity is described as the sites coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

1 Introduction

Option 1 (Constrained Development Approach and Urban Focus) and Option 2 (Limited Greenfield Development Approach) were classified as Category C of the HRA categories outlined in Appendix 5. The two options are likely to have significant effects and should be subject to an Appropriate Assessment (AA) should they continue to be considered at the Preferred Option stage.

Options 3A, 3B and 3C (Mixed Greenfield Approach, Single Urban Extension Approach and Northern Torbay Approach respectively) were classified as Category B. The three options would not have a significant negative effect on a European site either alone or in combination with other elements of the same plan or other plans or projects. Therefore these options will not require an AA if they are considered at the Preferred Option stage.

The effect on Dartmoor SAC is remaining uncertain; accordingly more information is needed to determine the need for an appropriate assessment.

1.3 Consultation

The Habitats Regulations Assessment requires the plan making authority to consult the appropriate nature conservation statutory body (Natural England [NE]). Natural England (Devon Office) was involved in the early development of a method for undertaking the HRA work in 2006 (although this has since been revised to account for changing practice in the field), including the decision on which European sites should be 'screened' for Habitats Regulation Assessment. NE has also assisted by providing information relating to the conservation objectives of the sites.

Further consultation has been held with NE Devon Office in 2009 on the Core Strategy Growth Options Regulation 25. NE has agreed with the HRA screening assessment that Option 3 does not pose any likely significant effect on South Hams SAC. NE also agrees that Options 1 and 2 with development close to Berry Head to Sharkham Point SSSI are likely to have a significant effect on the South Hams SAC and therefore require Appropriate Assessment. Appendix 2 sets out the full response from NE.

1.4 Purpose and Structure of this Report

This Report documents the process and findings of the Screening Stage of HRA to determine whether the Local Plan, either alone or in combination with other plans or projects, is likely to have a significant adverse effect on the range of Natura 2000 sites located within the immediate surroundings of Torbay. Following this introductory section the document is organised into six further sections:

- Section 2 – describes the method used for the screening process;
- Section 3 – identifies European sites within close proximity of Torbay;
- Section 4 – provides a list of plans and programmes that could have in combination effects;
- Section 5 – identifies the potential effects arising from the Local Plan on European sites;

- Section 6 – sets out the screening assessment; and
- Section 7 – outlines the key conclusions.

2 Method

In 2006 the Department for Communities and Local Government (DCLG) published draft guidance (DCLG,2006) that considered a step towards establishing a national methodology for applying HRA. In 2007 the Royal Society for Protection of Birds (RSPB) published *The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it*, which is also a helpful clarification of procedure. The European Commission Guidance 2001 on the Habitats Directive (European Commission, 2001) sets out four distinct stages for assessments under the Habitats Directive and they are also shown in Table 2.1 below. This Report relates to Stage 1 Screening.

Stage 1: Screening	The process which initially identifies the likely impacts upon a Natura 2000 site of a plan or project; either alone or in combination with other plans or projects, and considers whether these impacts are likely to be significant.
Stage 2: Appropriate Assessment	The detailed consideration of the impact on the integrity of the Natura 2000 site of the plan or project, either alone or in combination with other plans or projects, with respect to the site's conservation objectives and its structure and function. This is to determine whether there will be adverse effects on the integrity of the site.
Stage 3: Assessment of alternative solutions	The process which examines alternative ways of achieving the objectives of the plans or projects that avoids adverse impacts on the integrity of the Natura 2000 site.
Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain	An assessment of whether the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the Natura 2000 network.

Table 2.1 HRA Stages

Screening has to be approached on a precautionary basis. It is intended to capture plans or options that are likely to give rise to significant effect on European sites. Significant effect is defined by the Natural England guidance note (English Nature, 1999) on the subject:

“Any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects”

The European Court Judgement helps interpret the concept of significant effect and has confirmed that a significant effect is triggered when:

There is a probability or risk of plan or project having a significant effect on a European site.

The plan is likely to undermine the site conservation objectives.

A significant effect cannot be excluded on basis of objective information.

In line with the European Commission Guidance, the screening exercise involves the four tasks set out in Table 2.2 below.

Task 1	Identification of Natura 2000 sites and characterisation.
Task 2	Describe the plan and characterise any other plans or projects which, in combination, have the potential for having significant effects on Natura 2000 sites.
Task 3	Identify the potential effects on Natura 2000 sites.
Task 4	Assess the likely significance of any effects on Natura 2000 sites.

Table 2.2 HRA screening key tasks

3 Identification of European Sites and Characterisation

European sites for consideration within this screening assessment have been identified in consultation with Natural England. The assessment encompasses the two Natura 2000 sites present within Torbay boundaries (South Hams SAC and Lyme and Torbay Marine cSAC) and four further European sites within the 20km buffer zone of Torbay's boundaries, these are listed in Table 3.1 below. A summary of site characterisation is also provided below and detailed information on each European site, including conservation objectives and site vulnerabilities, is set out in Appendix 4. The location of the six sites in relation to Torbay boundaries is also shown in Appendix 1 Figure 1.

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

Table 3.1 European sites within a 20 km buffer zone of Torbay boundary

3.1 South Hams SAC

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

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

3.2 The Lyme Bay and Torbay cSAC

The Lyme Bay and Torbay cSAC site lies off the south coast of England off the counties of Dorset and Devon. The site comprises two sections, Lyme Bay Reefs and Mackerel Cove to Dartmouth Reefs and Sea Caves travelling from east to west respectively. It covers 31,248 ha and includes 14,289 ha of reef and at least

3 Identification of European Sites and Characterisation

85 caves. The Lyme Bay and Torbay cSAC has been identified by Natural England as one of the best examples of the range and diversity of bedrock reef, stony reef, and sea caves in the UK for protection under the Habitats Directive. It is estimated to contribute 0.9 percent of the UK's total reef resource to the Natura 2000 network.

3.3 Dartmoor SAC

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

3.4 South Dartmoor Woods SAC

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

3.5 Dawlish Warren SAC

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

3.6 Exe Estuary SPA and Ramsar

Exe Estuary SPA and Ramsar site is located in Devon on the English south coast extending 10 km south from Exeter to the open sea at Dawlish Warren and covers an area of 2345.71ha. The site comprises waters, foreshore, low-lying land, three saltmarshes and an unusual double spit across the mouth of the estuary, and the sand dunes of Dawlish Warren. The mud- and sand-flats support Eelgrass (*Zostera spp.*) and Enteromorpha beds, and contain an abundance of invertebrates including extensive Mussel (*Mytilus edulis*) beds, which together provide rich feeding habitats for wintering waders and wildfowl. Over winter the area regularly supports

3 Identification of European Sites and Characterisation

Slavonian Grebe; Avocet; Brent Goose; Dunlin; Oystercatcher; Black-tailed Goodwit and Grey Plover. This complex of coastal habitats supports internationally important numbers of Dark-bellied Brent Goose (1509 individuals) and Waterfowl. The sites are vulnerable to a variety of influences, such as recreational activities and dredging.

4 Consideration of Other Plans and Programmes

It is a requirement of Article 6(3) of the Habitats Directive that HRA examines the potential for plans and programmes to have significant effects not only individually but in combination with other plans and programmes (PP). For this screening report, consideration of other PPs has focused on those likely to lead to significant development or infrastructure which may potentially impact on European sites identified.

Torbay Council is currently preparing the Torbay Local Plan. It aims to provide a spatial planning framework to build strong neighbourhood plans and realise the community plan objectives for a prosperous Torbay. The Plan seeks to respond to Torbay's pressing economic and social problems, whilst protecting and enhancing the environment. Central to the Plan is recognition of the need to achieve economic growth in order to provide a higher quality of life for all residents. The Plan has five aspirations for the Bay:

1. A better connected, accessible Torbay
2. Secure economic recovery and success
3. Protect and enhance a superb environment
4. Make the most of opportunities as a result of climate change
5. Create more sustainable communities and better places

The Plans and Programmes considered at this stage are listed below and reviewed in detail in Appendix 3. Although the RSS is likely to be abolished, this report considers the HRA of the draft RSS as a reference paper.

- Habitats Regulation Assessment of the Draft Regional Spatial Strategy for the South West 2006-2026 (SWRA 2006) & Secretary of State Proposed Changes to the RSS (2008)
- Devon County Structure Plan (adopted) 2001-2016
- Devon and Torbay Local Transport Plan (3) 2011-2026
- Devon County Council Waste Local Plan (adopted) 2006
- Devon County Council Minerals Local Plan (adopted) 2004
- Torbay Local Plan (adopted) 2004
- Torbay New Growth Point: Programme of Development 2008
- Turning the Tide for Tourism in Torbay Strategy 2010-2015
- Torbay Community Plan 2007 +: Turning the Tide
- Torbay Economic Strategy 2010-2015
- Torbay Harbour and Maritime Strategy (2007 – 2017) 'catching the wave'

4 Consideration of Other Plans and Programmes

- South Devon and Dorset Shoreline Management Plan Review (SMP2) 2009
- South Hams Core Strategy (adopted)
- Exeter City Council Core Strategy (ongoing)
- Dartmoor National Park HRA Screening 2007

The Plans and Programs review was used to consider in-combination effects, assisting in the completion of the screening of the Local Plan policies.

5 Identification of Potential Effects on European Sites

Identification of potential and likely impacts was undertaken using a site focus, which considers the environmental conditions of the site and the factors required to maintain site integrity. It also considers the potential pathways of impacts arising from the Local Plan alone or in combination with other plans and policies. Table 5.1 below summarises the main factors that may affect the integrity of Natura 2000 sites as a result of the effects of the Local Plan.

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

Table 5.1 The main factors that may affect the integrity of Natura 2000 sites

The Local Plan has not considered to have a significant impact on South Dartmoor Woods SAC, Dawlish Warren SAC and Exe Estuary SPA and Ramsar due to the distance involved (13.23 km, 9.75km and 10km respectively) and therefore they are screened out of the assessment at this stage and future assessment is not considered to be required under the Habitats Regulations. The Local Plan could however have the potential for negative impacts on South Hams SAC, Lyme Bay and Torbay Marine cSAC and Dartmoor SAC and therefore they will be discussed in detail in this section.

5 Identification of Potential Effects on European Sites

5.1 South Hams SAC

Impacts on the integrity of South Hams SAC are primarily related to loss and disturbance of foraging and commuting habitats used by the greater horseshoe bat population. The detailed design and layout of specific development is not yet known at this stage of the Local Plan but certain development could affect sustenance zones and commuting routes of greater horseshoe bats across the site. Reduction in the sustenance zone and removal of linear features used by commuting bats, through development associated with the Local Plan and other plans, could have a significant negative impact on the bat population.

Greater horseshoe bats forage by flying low over pasture at heights of 0.6 – 1.5 m (Ransome, 1996). Increased traffic in Torbay and beyond could increase bat mortality due to collision with vehicles. This could lead to population decline; inexperienced juvenile bats are particularly at most risk.

There is a possibility of a direct disturbance to the bat population during construction and operation phases. Increased lighting used for recreation and crime prevention that could result in alteration of street lighting regimes in areas used by bats. Greater horseshoe bats are particularly light sensitive and tend to avoid areas that are subject to artificial illumination.

Wind turbine could potentially put bat population at risk. The information currently available on bat behaviour in the UK is not sufficient to assess the threat that wind turbines may pose to populations (NE, 2009). However, the new permitted development rights for householders to install wind turbines could lead to multiple installations which could endanger greater horseshoe bat population.

The current visitor numbers in Berry Head is in excess of the carrying capacity of the site. New housing adjacent to South Hams SAC, suggested by the Local Plan, could increase the number of people visiting the site. This could cause an unacceptable recreational pressure on the calcareous grassland and heathland in the form of direct loss of habitat through neglect, inappropriate management or increased eutrophication by dog fouling.

5.2 The Lyme Bay and Torbay cSAC

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

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

5 Identification of Potential Effects on European Sites

5.3 Dartmoor SAC

The HRA of the South West Regional Spatial Strategy (2008) concluded that generally the level of growth in the South West should not have adverse effects on the integrity of many of the Natura 2000 sites. However, there are a number of sites for which uncertainty remains regarding adverse effects on their integrity. This is mainly due to lack of information regarding water abstraction and water pollution associated with the significant increase in houses to be provided in the region, as well as potential air pollution arising from the likely increase in traffic. These effects need to be considered where relevant to the potential environmental impacts on the European sites identified in section 3 above for their potential to have in-combination effect.

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

6 Assessment of the Likely Significant Effects on European Sites

The current Local Plan contains three set of policies including Strategic Direction and Sustainable Development Policies, Strategic Direction and Delivery Policies and Place-making and Key Policy Delivery Areas across Torbay Policies. These have been analysed to assess whether they would be likely to result in significant adverse impacts on European sites. The Local Plan policies have been assessed in accordance with the criteria produced by Tydesley and Associates for Natural England (NE, 2009). The guidance also advises that where uncertainty is encountered a precautionary approach should be adopted with worst outcomes assumed.

Appendix 5 contains the categories of most likely effects that were used to assess the Local Plan policies. Appendices 6, 7 and 8 show the screening matrices of the Local Plan policies. A summary of the screening assessment is provided in this section.

6.1 Local Plan Strategic Direction and Sustainable Development Policies

The Local Plan Preferred Growth Option (SD1) could result in a number of adverse effects on South Hams SAC, Lyme Bay and Torbay cSAC and Dartmoor SAC. These effects include:

- Direct loss of habitats (calcareous grassland and heathland)
- Loss of supporting habitats and disturbance to greater horseshoe bat strategic flyways and sustenance zone;
- Physical damage and toxic contamination of reefs and sea cave; and
- In combination effects on Atlantic salmon migratory routes.

The HRA screening recommends amendment to Policy SD1 to include the following sentences to prevent any negative significant effects on European sites “new development and infrastructure should avoid significant and cumulative impacts on European sites” and “Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”

6.2 Local Plan Strategic Direction and Delivery Policies

It is clear that policies related to social change (SC1-SC4), quality of development (ED1-ED4), conservation and historic environment (HE1), energy (EG1-EG4), environmental resource (ER1- ER4), countryside (C1 –C2), landscape and environment (EN1-EN3), nature conservation (NC1) waste management (W1-W5) and minerals (M1-M3) either intend to protect the natural environment or will not themselves lead to development, and therefore will have no adverse impact on European sites.

It is unlikely that infrastructure (IF1-IF2), housing (H1-H5), tourism (T1-T2), employment (E1-E4) and retail (TC1-TC5) policies would result in a significant or cumulative negative impact on European sites. The policies manage the impact arising from development and do not allocate land. Development will be

6 Assessment of the Likely Significant Effects on European Sites

implemented through neighbourhood plans, which are more specific and therefore more appropriate to assess for their effects on European sites and associated sensitive areas.

The transport policies will seek to improve cycle and pedestrian networks, public transport networks and rail networks, in addition to the development of new park and ride facilities. By prioritising sustainable transport, they aim to result in less traffic and improved air quality. Policy TA2 requires an all year round ferry service between Torquay and Brixham Harbours and other external ports. The Local Transport Plan (LTP3) HRA concluded that the impact of an increased ferry service to be minimal and the integrity of the cSAC will remain intact. It however recommended detailed assessment of the effect of the ferry service and increased boat activities on the interest features in Lyme Bay and Torbay cSAC at the project level.

6.3 Local Plan Place-making and Key Policy Delivery Areas across Torbay Policies

The sub area policies for Torquay (SDT1-SDT4), Paignton (SDP1-SDP4) and Brixham (SDB1-SDB3), as set out in Appendix 1, figure 3, have the potential to increase recreational pressure, traffic and associated air pollution in South Hams which could cause disturbance to greater horseshoe bat strategic flyways and/or sustenance zone. The sub area policies could also affect water quality Lyme Bay and Torbay Marine cSAC. This could cause physical damage and/or toxic contamination to reefs and sea caves. Lower tier plans following these policies, such as neighbourhood plans and development proposals, should meet the requirement of the HRA by undertaking Appropriate Assessment. A further detailed bat survey will be required to inform the next level of the assessment and ensure no adverse impact on the integrity of South Hams SAC arises.

7 Conclusions and Further Work

The screening exercise shows that a number of European sites could be affected by the Local Plan Policies. The sites concerned are South Hams SAC, Lyme Bay and Torbay Marine cSAC and Dartmoor SAC. The possible impacts of the Local Plan on European sites are related to recreational pressure, water abstraction and air and water pollution.

On the basis of the information available at this stage of the Local Plan, and subject to amendment of Policy SD1, SDP1, SDP4, SDB1, SD B2 and SD B3, taking a precautionary approach, the Growth Option Policies could still affect the integrity of the European sites mentioned above, either alone or as a result of in combination effect from other plans and programmes being developed and implemented simultaneously in the area. The Growth Option Policies should therefore undergo an Appropriate Assessment. Due to a lack of specific development design detail at this stage, the appropriate assessment at this strategic level would not be in great detail, therefore recommendations for further assessment will be required not only at the strategic level but also at a lower tier of the planning process.

The Local Plan Strategic Direction and Delivery Policies and Policy SD2 are not considered having significant effects on any of the European sites and therefore are screened out of the assessment at this stage and further assessment is not considered to be required under the Habitats Regulations.

The finding of this Report will feed into the Local Plan and will inform subsequent stages of the HRA. It will also provide an indication for further assessment that is likely to be required at a later stage in the planning process.

8 Screening Report References

1. The Conservation (Natural Habitats &c.) (Amendment) Regulation 2007. HMOS Statutory Instrument 2007 No. 1843.
2. Department for Communities and Local Government (August 2006) Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents, DCLG, London.
3. Assessment of plans and projects significantly affecting Natura 2000 sites (European Commission, 2001)
4. English Nature (1999) Habitat Regulation Guidance Note 3: The Determination of the Likely Significant Effect Under the Conservation (Natural Habitats &c) Regulations 1994.
5. Ransome (1996). The management of feeding areas for greater horseshoe bats. English Nature, Peterborough.
6. Bats and onshore wind turbines. Natural England Technical Information Note TIN051, 2009.
7. Berry Head Conservation Management Plan 2007-2017.
8. Environment Agency 2009
9. South West RSS Proposed Changes: HRA 2008
10. The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, February 2009.

This Report presents the process and findings of the Appropriate Assessment stage of the Habitats Regulations Assessment. It follows on from the Stage 1 Screening, which concluded that a number of the Local Plan Policies are likely to have significant adverse effects on three European sites identified in the screening stage. The purpose of the Appropriate Assessment stage is to explore the adverse effects and devise mitigation measures.

Following this introductory section the Report is organised into five further sections:

- Section 2 – describes the method used for the appropriate assessment process;
- Section 3 – summarises the findings of the previous stage;
- Section 4 – provides further information on the likely significant impacts identified at previous stages;
- Section 5 – identifies avoidance and mitigation measures; and
- Section 6 – outlines the key conclusions and recommendations.

This Appropriate Assessment Report should be read in conjunction with the amended Screening Report.

2 Method

This section sets out the approach to the appropriate assessment, which involves the following steps:

1. Explore the reasons for the European designation of these sites.
2. Explore the environmental conditions required to maintain the integrity of the selected sites and become familiar with the current trends in these environmental processes.
3. Gain a full understanding of the plan and its policies and consider each policy within the context of the environmental processes – would the policy lead to an impact on any identified process?
4. Decide if the identified impact is likely to lead to an adverse effect.
5. Identify other plans and projects that might affect these sites in combination with the Plan and decide whether there any adverse effects that might not result from the Plan in isolation will do so “in combination”.
6. Develop measures to avoid the effect entirely, or if not possible, to mitigate the impact sufficiently that its effect on the European site is rendered effectively inconsequential.

3 Findings of the HRA Screening Report

The Screening Report has been amended following consultation with Natural England in October and December 2011 (see Appendix 2). It shows that a number of European sites could be affected by the some of the policies set out in the Local Plan. The European sites concerned are South Hams SAC, Lyme Bay and Torbay Marine cSAC and Dartmoor SAC.

The HRA screening has also identified a total of four potential negative impacts of the Local Plan policies on the three sites. These include:

- direct loss of habitats;
- loss of supporting habitats and disturbance to greater horseshoe bat strategic flyways and sustenance zone;
- physical damage and toxic contamination of reefs and sea caves; and
- in-combination effects on Atlantic salmon migratory routes.

On the basis of the information available at this stage of the Local Plan, and subject to amendment of Policy SD1, SDP1, SDP4, SDB1, SD B2 and SD B3, taking a precautionary approach, the Growth Option Policies could still affect the integrity of the European sites mentioned above, either alone or as a result of in combination effect from other plans and programmes being developed and implemented simultaneously in the area. The above policies should therefore undergo an Appropriate Assessment. Due to a lack of specific development design detail at this stage of the Local Plan, the appropriate assessment at this strategic level would not be in great detail, therefore recommendations for further assessment will be required not only at the strategic level but also at a lower tier of the planning process.

The Strategic Direction and Delivery Policies and Policy SD2 are not considered to have likely significant effects on any of the European sites and therefore are screened out at the screening stage and further assessment is not considered to be required under the Habitats Regulations.

4 Appropriate Assessment

This section investigates the potential impacts identified at the screening stage. The level of detail concerning developments that will be permitted under the Local Plan will never be sufficient to make a detailed quantification of adverse effects. Therefore, in the absence of more precise data, it is assumed as the default position; if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided. This is in line with CLG Guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be 'appropriate' to the level of plan or project that it addresses.

Due to increased development the Local Plan makes, provision for potential effects were identified associated with increased recreational pressure on land and water. These effects include habitats degradation and pollution. Table 1.4 below provide a summary of impacts on the three European sites identified above. Management plans for these sites and other requirements (e.g. provision and management of suitable alternative greenspace) would help avoid impacts from increased recreational use.

European site	Site Vulnerabilities					
	Habitat loss/ fragmentation	Noise, vibration and lighting	Nutrient enrichment	Water quality and quantity	Recreational pressure	Mobile species needs
South Hams SAC	√	√	√		√	√
Lyme Bay & Torbay cSAC	√			√	√	
Dartmoor SAC				√		

Table 4.1 Factors which may affect the integrity of the European sites

The Local Plan has been informed by the Green Infrastructure Delivery Plan (GI) in order to plan for the needs of new development. Through the GI, Torbay Council is seeking to ensure that growth in Torbay is accompanied by a sustainable natural environment. The GI plan is the result of a partnership formed in 2010 by Torbay Council, Natural England and Torbay Coast and Countryside Trust with the aim of producing a clear strategic document to guide the delivery of a healthy green infrastructure network in Torbay over the next ten years. The GI recognises the recreational pressure on both South Hams SAC and Lyme Bay and Torbay Marine cSAC.

The Environment Agency (EA) has identified adverse effects occurring due to water abstraction in Roadford Water Resource Zone affecting Dartmoor SAC. Increased population could put greater demand on water supply. This could in turn lead to greater demand on water abstraction from rivers and boreholes.

This section discusses the factors identified above in the three European sites.

4.1 South Hams SAC

It was concluded that adverse effects upon South Hams SAC (calcareous grassland) as a result of increased recreational pressure from the 1,000 homes that could be delivered within Brixham and 5,000 in Paignton could not be ruled out when considered in combination with the more than 4,000 homes proposed to be delivered in Torquay. This was due to the fact that although Torbay has a high ratio of accessible natural greenspace to population and therefore provides considerable alternative recreational resources closer to the main population centres than Berry Head, the intrinsic and historic appeal of the SAC is such that a proportion of new residents and visitors will always be likely to be drawn to this site for itself.

Provision of greenspace in accordance with the accessible natural greenspace standard should therefore serve to minimise the need for recreational resources further afield (i.e. European sites) to receive an unsustainably large influx of visitors, provided that they are delivered within a timescale linked to that of the development and will fulfil a function similar to that of the European site in question (i.e. casual recreation such as walking and appreciation of nature, rather than more formal recreational activities).

The decline in calcareous grassland at Berry Head appears to indicate that current visitor numbers are in excess of the carrying capacity. However, it is likely that this decline is caused more by the way that people use the site, than by actual numbers. Given the low levels of awareness of the heritage displayed by visitors, it is rational to conclude that people pressure can be reduced without reducing actual numbers of visitors. Berry Head Conservation Management Plan (2007 – 2017) includes measures to control recreation pressure. These include besides raising the awareness of visitors, establishing new surfaced footpath routes to reduce pressure on eroded areas of grassland, reducing dog-fouling across the site, preventing unauthorised vehicles accessing the site, continue to manage scrub by hand and extend grazing across the cliff slopes.

Development suggested by the Local Plan could lead to fragmentation of greater horseshoe bat populations by creating barriers, thus reducing the viability of the population in the medium and long term by increasing susceptibility to local extinctions caused by roost and habitat loss outside the SAC boundary. The Local Plan could also cause degradation of the quality of commuting habitat features through the effect of construction disturbance, lighting, and change to vegetation structure.

Increased energy burden of greater horseshoe bat populations by increasing distance commute to foraging and roost sites would reduce health and breeding success of individuals, and consequently the integrity of the population in the medium and long term. Short commuting distances, in combination with other variables, were related to survival rate of young greater horseshoe bat and their mothers (Ransome, 1996).

4 Appropriate Assessment

Natural England has introduced planning guidance on protection and minimising the disturbance to greater horseshoe bat roosting and foraging ground (Natural England 2010). The guidance should form the basis of both strategic and project level mitigations. The Local Plan has introduced a new Policy (EN2 Green Infrastructure), which would address the impact of development on bats through promoting a landscape led approach to planning and design for new development.

In general, where suitable habitat features are present (such as linear landscape features, woodland, scrub, pasture or wetland habitats), consideration would be given to re-designing the schemes to avoid these features. Where design changes are not possible, or if impacts to suitable greater horseshoe bat habitats are unavoidable, detailed surveys to establish the status of greater horseshoe bats within the affected area would be undertaken and subsequent appropriate mitigation put in place (in accordance with the specification provided by Natural England in South Hams SAC – Greater horseshoe bat consultation zone planning guidance). In instance where mitigation is not possible, the Local Plan would not support the development.

4.2 Lyme Bay and Torbay Marine cSAC

It was concluded that the Local Plan policies could not be described as being unlikely to result in significant effects on Lyme Bay and Torbay Marine cSAC. The identification of potential and likely impacts was undertaken using a site focus, which considered the environmental conditions of the site and the factors required to maintain site integrity; it also considered the potential pathways of impacts arising from the development in Torbay.

Surface run-off pollution (oil spills, chemicals etc.) during construction and operation phases is likely to have a cumulative negative impact on both water quality and species along Torbay's coast. Discharge of pollution from the land could potentially impact on the interest features in the site by causing change in physico-chemical conditions of the overlying water, such as change in temperature, turbidity, salinity, and increase in nutrient and organic matter. However, the high dilution that any lad-base discharge is likely to receive would reduce risk of these having an impact.

The Local Plan makes provision for development, particularly along Torbay's coast. There would only be a risk if run off was able to flow into the coastal water. Policy ER1 promotes the use of Sustainable Urban Drainage Systems (SUDS) in relation to controlling run-off pollution. Environmental assessment and Habitats Regulation Assessment of Neighbourhood plans and projects would prevent this risk from occurring as a result of new development.

It is difficult to assess the impact recreational pressure has on the interest features because the actual pressure from the Local Plan is not known. Recreational pressure in the Torbay includes activities such as shipping, recreational fishing and anchoring. Some of these activities will not have impacts because they do not have significant mechanism for interaction with the site interest features.

However, based on the levels of existing recreational pressure and the measures in place and proposed to reduce human disturbance to sensitive habitats and species of the cSAC such as MARPOL⁽²⁾ and conservation objectives for the management of Lyme Bay and Torbay cSAC), it would be reasonable to assume that the impacts of additional development from the Local Plan will be low to moderate.

4.3 Dartmoor SAC

The HRA of the South West Regional Spatial Strategy (2008) concluded that the level of growth in the South West should not have adverse effects on the integrity of many of the European sites. However, there are a number of sites for which uncertainty remains regarding adverse effects on their integrity. This is mainly due to lack of information regarding water abstraction and water pollution associated with the significant increase in houses to be provided in the region.

Water supplied to Torbay is part of the wider Roadford Strategic Supply Area operated by South West Water on the Devon/Cornwall border. The Torbay Council Water Cycle Study (2011) has confirmed that currently the Roadford Strategic Supply Area is operating at 65% below full capacity. The South West Water final water resource plan identifies that there are sufficient water resources to supply demand from existing housing and non domestic uses.

The final water resource plan also indicates that demand across the region is likely to fall until about 2016/17 through the increased uptake of customers opting for water metering, the impact of water efficiency measures, new water tariffs and a projected reduction in commercial demand. However, post 2017, demand is likely to rise again and is linked to population growth. A surplus of supply over demand plus headroom will be maintained through until 2034/35 as a result of demand management measures and investment within water supply infrastructure.

Based on the information contained within the final water resources plan, there is sufficient headroom within the Roadford strategic supply area accounting for forecast demand (and not including water efficiency options) over the South West Water planning period which is commensurate with the planning timeframes of Torbay.

In the light of this evidence, the Council considers that the impact of water abstraction caused the Local Plan could be discounted. However in the instance where delivery of a particular housing development in a particular location would exacerbate water pollution problems that could affect the Dartmoor SAC, Torbay Council could add a criterion to Policy SD1 which links permission given to development to provision of satisfactory waste water treatment works have been upgraded. This upgrade would reduce the level of pollution and in turn provide additional capacity at the works to accommodate the additional housing without adding to the water quality problems.

2 The International Convention for the Prevention of Pollution from Ships

4 Appropriate Assessment

In summary, there are no immediate issues in relation to future development and water resource supply. Therefore there is unlikely to be a significant effect of the Atlantic salmon migratory routes during the plan period.

5 Avoidance and Mitigations

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

It was concluded that no adverse effects would result upon South Hams SAC due to the fact that the sites already have management schemes in place that are considered sufficient to control recreational pressure. Provision to the accessible natural greenspace standard would also serve to minimise the need for recreational resources on the SAC. Natural England guidance on greater horseshoe bat would form the basis of both strategic and project level mitigations.

The risk of surface run-off pollution on Lyme Bay and Torbay McSAC occurring as a result of new development suggested by the Local Plan will be minimised by Policy ER1 which promotes the use of Sustainable Urban Drainage Systems (SUDS) in relation to controlling run-off pollution. Environmental assessment and Habitats Regulation Assessment of Neighbourhood plans and projects would however prevent this risk from occurring as a result of new development.

The Local Plan has been informed by the Torbay Water Cycle Study, which indicates that the suggested development within Torbay is unlikely to have an impact on water level at Dartmoor SAC. However, as a precautionary measure the Council could add a criterion to Policy SD1 which links permission being given for development to provision of satisfactory waste water treatment infrastructure. This approach would reduce the level of pollution and in turn provide additional capacity at the works to accommodate the additional housing without adding to the water quality problems.

Implementation of these mitigation measures should ensure that there would be no residual impact of the proposed development on the integrity of the three European sites. These requirements, as well as those set out in the Screening Report, should be addressed through the implementation of the Local Plan. The Council will have to take all possible measures at this tier of planning to ensure that the development to be delivered under the Local Plan will not have an adverse effect upon any of the European sites. Potential mitigation options are outlined in Appendix 9.

It is recommended that the outcomes (appropriate mitigations) from the Local Plan feed into Neighbourhood Plans. Recommendations have, however, been made to enable the Local Plan to be modified to minimise the long term impacts at a strategic level, rather than relying entirely on the ad hoc, project based level assessment.

6 Conclusions and Recommendations

The Habitats Regulations Assessment screening process concluded that it was not possible to confirm that the Local Plan, alone or in combination with other plans or projects, would not have a significant effect on South Hams SAC, Lyme Bay and Torbay Marine cSAC and Dartmoor SAC. An Appropriate Assessment was therefore carried out under the Conservation (Natural Habitats, &c.) Regulations 1994.

However, it is considered that, if the mitigation actions proposed in Section 5 above are implemented, the impacts of additional development will be reduced to an insignificant level. It is ascertained that, with the proposed mitigation, the Local Plan policies will have no adverse effect upon the integrity of any of the European sites and the conservation objectives would be sustained.

The Local Plan should make it clear that its policies and proposals do not provide support to any proposal which would have an adverse effect on the integrity of any European site. It is imperative that project based HRA is undertaken for each planning application. Permission should only ever be granted where it is categorically proven that there will be no adverse impacts on European sites.

Question 1

Feedback on the HRA Report:

Do you have any comments or suggestions relating to any part of the HRA?

7 Appropriate Assessment References

1. David Tyldesley and Associates for Natural England (2009) - The Habitats Regulations Assessment of Local Development Documents.
2. Natural England (March 2007) - Draft Guidance – The Assessment of Regional Spatial Strategies and Sub-regional strategies under the provisions of the Habitats Regulations, David Tyldesley Associates for Natural England.
3. Department for Communities and Local Government (August 2006) - Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents, DCLG.
4. Scott Wilson et al (August 2006) - Appropriate Assessment of Plans.
5. The Torbay Council Draft Water Cycle Study (2011)
6. Berry Head Conservation Management Plan (2007 – 2017)
7. Natural England (2009) - Draft conservation objectives and advice on operations of the Poole Bay to Lyme Bay pSAC.
8. Natural England (2010) - South Hams SAC – Greater horseshoe bat consultation zone planning guidance.
9. The Torbay Green Infrastructure Delivery Plan (2010)
10. Ransome (1996) - The Management of feeding areas for greater horseshoe bats (English Nature Research Reports, No.174)
11. Torbay Local Transport Plan 3, Habitats Regulations Assessment (2011)
12. Natural England (2010) - 'Nature Nearby' Accessible Natural Greenspace Guidance.
13. Evidence Base for designation of Lyme Bay and Torbay SAC (2010)

Appendix 1 European Sites Maps

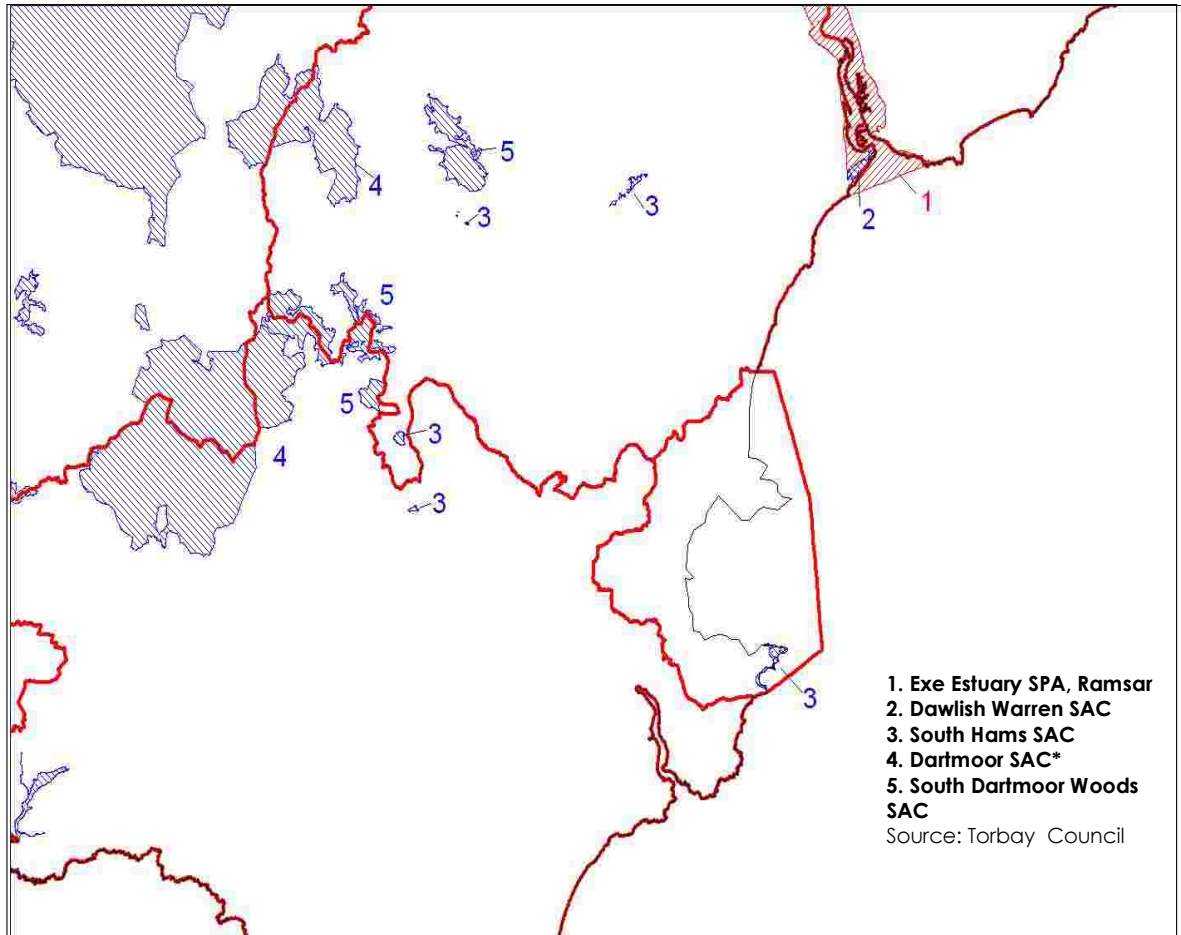
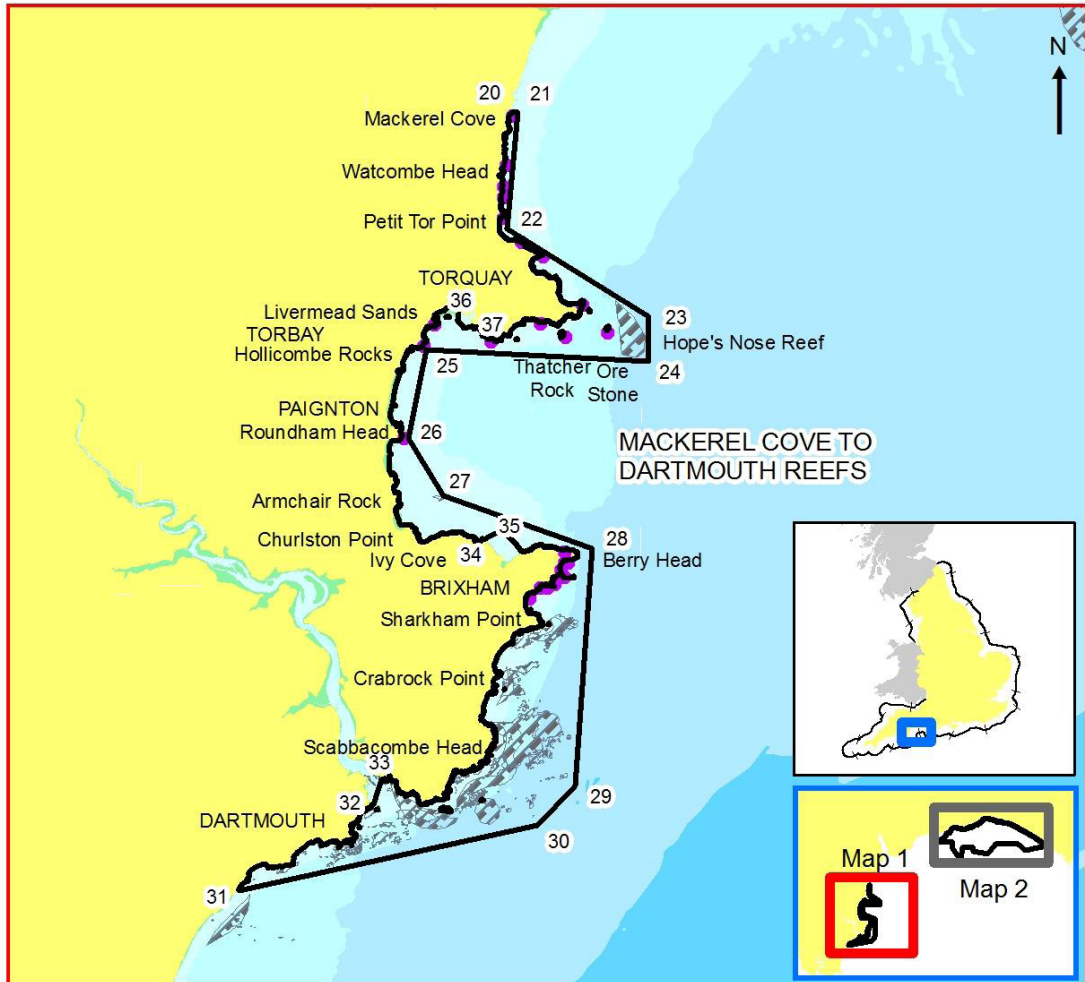


Figure 1 Location of European sites within 20km of Torbay

Appendix 1 European Sites Maps



candidate Special Area of Conservation
Lyme Bay and Torbay
 □ candidate Special Area of Conservation
 ▨ Reefs
 ● Sea caves
 ▨ Special Areas of Conservation
 — England 12nM Territorial Seas Limit

Depth Areas
 ■ Drying
 ■ ≤10m
 ■ ≤20m
 ■ ≤50m
 ■ ≤100m
 ■ Land

EU Site Code: UK0030372
 Version number: 2.0
 Longitude: 2° 56' 11" W
 Latitude: 50° 39' 4" N
 Projection: UTM 30N (WGS84)
 Area of SAC: 312.47 sq km
 31247.79 ha

Theme ID: 1452105
 Grid Ref: SY314821
 Version: 9.0
 Plotted: 22/07/2010
 Plot ID:

Scale 1:200,000 Map 1 of 2

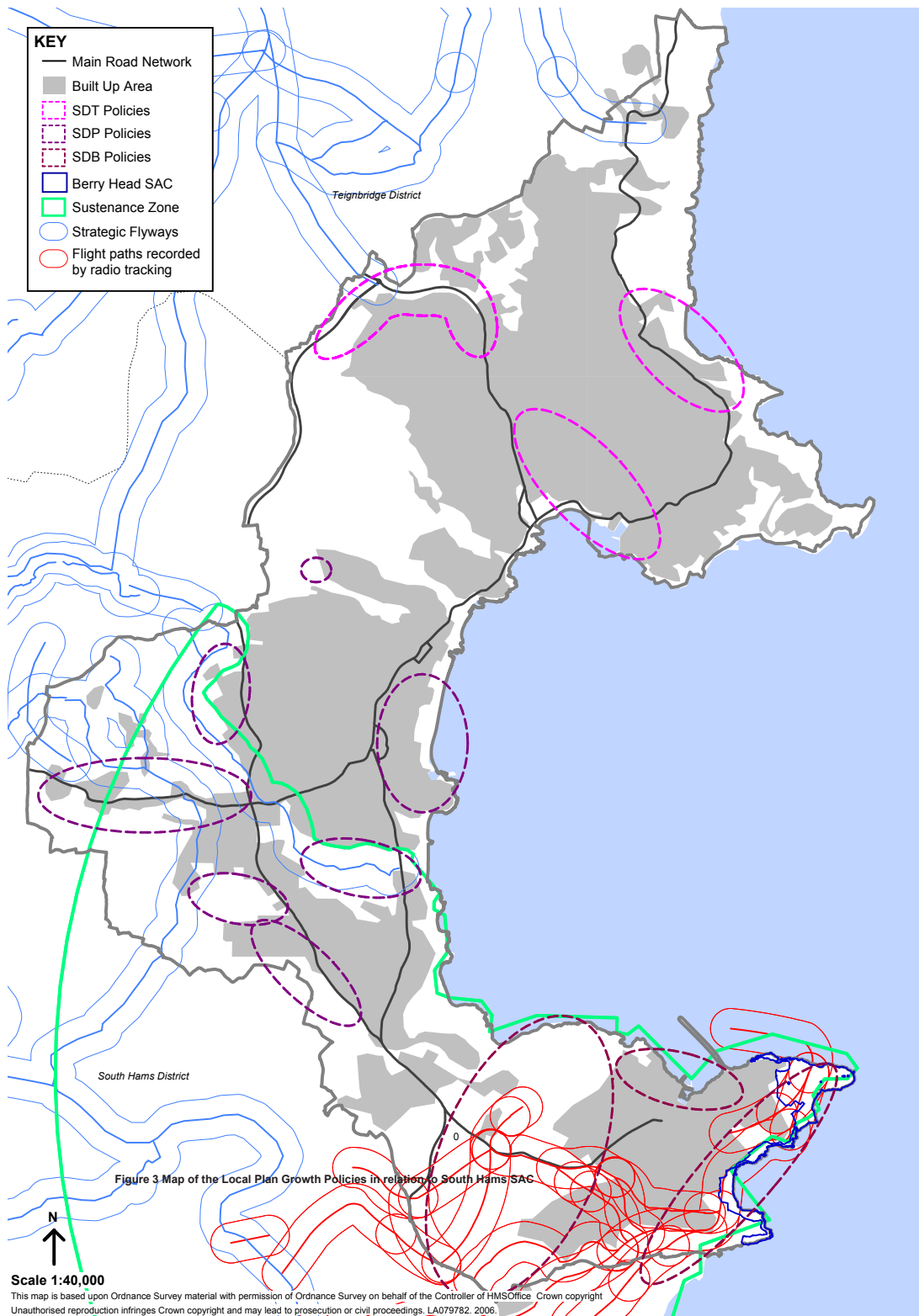
0 1.25 2.5 5 Kilometers

Candidate Special Area of Conservation Directive 92/43/EEC
 Submitted to the EC by the Secretary of State for Environment,
 Food and Rural Affairs. Date: 20/08/2010
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Figure 2 Lyme Bay and Torbay Marine cSAC

Appendix 1 European Sites Maps



Appendix 2 Consultation Response

Our Reference:CO33019
Your Reference: draft HRA screening

Date: 5th October 2011



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Dear Ashwag,

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

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

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

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

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

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

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Appendix 2 Consultation Response

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

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

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

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

Regards,

Julien

Julien Sclater

Lead Adviser

Land Use Team



Julien.R.Sclater@naturalengland.org.uk

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

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

Appendix 2 Consultation Response

08 December 2011

Our ref: 37874



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BY EMAIL ONLY

Dear Ashwag

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

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

Overview

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

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Please send consultations via email to: consultations@naturalengland.org.uk

avoid likely significant effect upon European sites.

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

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

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

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

Detailed comments

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

Section 1 - Introduction

1.3 Summary of previous stages

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

Section 2 - Method

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

Section 3 - Identification of European sites and characterisation

3.1 South Hams SAC

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

Appendix 2 Consultation Response

Section 5 - Identification of potential effects upon European sites

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

5.1 South Hams SAC

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

5.3 Dartmoor SAC

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

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

6.1 Core Strategy Preferred Growth Option Policies

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

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

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

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

23. Thank you for your consideration.

Yours sincerely



David Westbrook
Land Use Operations

Appendix 2 Consultation Response

07 June 2012

Our ref: 51301



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BY EMAIL ONLY

Dear Ashwag

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

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

Introduction (Section 1)

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

Appendix 2 Consultation Response

Appropriate Assessment (Section 4)

South Hams SAC (Section 4.1)

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

Lyme Bay and Torbay Marine cSAC (Section 4.2)

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

Appendix 2 Consultation Response

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

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

Dartmoor SAC (Section 4.3)

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

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

Conclusions and Recommendations (Section 6)

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

Appendix 2: Appropriate Assessment Matrix

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

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

26. Thank you for your consideration.

Yours sincerely



David Westbrook
Land Use Operations

Habitats Regulations Assessment of the Draft Regional Spatial Strategy for the South West Final Report, 2007	
Aim of the document	Summary of HRA findings
The report provides the findings of the complete HRA for the Draft South West RSS and its Implementation Plan.	<p>Policy SR36 Torbay</p> <p>The HRA states that ‘The policy makes provision for a type of development in Torbay but the specific location of the development is to be selected following consideration of options in lower tier plans. Appropriate Assessment will therefore be needed for local development plan documents once specific locations have been identified.’</p> <p>SR37 Torbay TTWA</p> <p>The HRA states that ‘The policy steers a quantum and type of development towards areas where development may indirectly affect South Hams SAC and Dartmoor SAC.’ This will lead to ‘House building and related infrastructure, traffic and mixed use development’ with the following potential impacts:</p> <ul style="list-style-type: none"> • Physical loss: of habitat and foraging area, fragmentation. (South Hams SAC) • Physical damage: through habitat severance and fragmentation. (South Hams SAC, Dartmoor SAC) • Water table: changes in water levels and flows due to abstraction, drainage etc. • (South Hams SAC, Dartmoor SAC) • Toxic contamination: air, soil and water pollution, tipping. (South Hams SAC, Dartmoor SAC) • Non-toxic contamination: Eutrophication due to sewage treatment works discharge. (South Hams SAC, Dartmoor SAC) • Non-physical disturbance: human presence, artificial lighting, traffic. (South Hams SAC) <p>Recreational impacts may lead to:</p>

	<ul style="list-style-type: none"> • ‘Physical damage: erosion, trampling. (Dartmoor SAC) • Non-physical disturbance: human presence and pets. (South Hams SAC, Dartmoor SAC)’
Devon County Structure Plan 2001-2016	
Aim of the document	Elements of the plan that could cause ‘in-combination’ effects
<p>The Structure Plan sets out the strategic planning framework for the development and use of land within Devon. It includes policies and proposals which provide the basis for decisions made by the individual Structure Plan Authorities, District Councils and other agencies when preparing Local Development Documents, planning for physical, social and economic infrastructure.</p> <p>Vision: A future for Devon that meets the needs of residents for a safe and healthy environment, a vibrant community life and a dynamic and prosperous economy.</p> <p>It is implemented through the high level policy aims:</p> <ul style="list-style-type: none"> • Conservation and enhancement of the Devon environment • Prudent use of resources • Community self-sufficiency • Meeting the need for housing • A dynamic and healthy economy • A sustainable transport network • Meeting the need for infrastructure 	<p>The plan includes a number of key policies that may impact on European sites. Generally, these relate to the overall quantum of development, but also policies relating to increased infrastructure provision, strategic development sites, and Ports facilities.</p> <p>Policy ST13: Torbay Principal Urban Area</p> <p>At the Torbay PUA priority should be given to:</p> <ol style="list-style-type: none"> 1. promoting greater self-sufficiency, particularly in terms of the balance between the provision of homes and jobs while conserving the area’s environmental quality; 2. developing and diversifying the economy through economic restructuring, regeneration in the town centres, investment in new strategic facilities for the tourism industry and offering a range of economic investment opportunities; 3. providing additional housing at a level sufficient to meet local needs and supporting growth and regeneration; 4. improving the road, rail and public transport networks and links to the wider hinterland; 5. enhancing the strategic transport routes to other parts of Devon, the Region, the rest of the UK and Europe, taking advantage of the opportunities resulting from the proposed Kingskerswell Bypass. <p>Proposal ST17: Housing and Employment Land Provision</p>

To provide for the development of about 65,500 dwellings and 700 ha of employment land in the period 2001 to 2016, to be distributed as follows:

- Torbay – 4,300 dwellings (290 annual average)

Proposal ST19: Strategic Development Sites

Strategic Development Sites for employment are proposed in or adjacent to the Plymouth, Exeter and Torbay PUAs, and additional strategic provision is also identified at the Barnstaple Sub Regional Centre. These Sites must be of a sufficient scale to accommodate major economic development proposals, and be developed in a sustainable way to a high environmental standard. They should be located where they can be accessed from the Strategic Road Network and have a high degree of accessibility from the main public transport networks.

Policy TR13: Ports

Port facilities and their associated infrastructure should be maintained and developed in order to ensure that the following ports fulfil their strategic function:

1. Plymouth as a commercial and fishing port linked to the European Transport Network;
2. Teignmouth as a commercial port;
3. Bideford as a commercial port; and
4. Brixham as a fishing port.

Proposal TR17: Strategic Network Investment Proposals

The following major scheme is programmed to commence in the period 2001 to 2016.

- A380 / A3022 Torbay Ring Road – Tweenaway Junction

Devon and Torbay Local Transport Plan 3 2011-2026

<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>Devon & Torbay’s transport system will offer business, communities and individuals safe and sustainable travel choices. The transport system will help to deliver a low carbon future, a successful economy and a prosperous, healthy population living in an attractive environment.</p> <p>Over the next 15 years Devon & Torbay will need to diversify and grow the economy, but just as importantly develop a low carbon transport system that offers choice and encourages sustainable travel behaviour. To achieve Devon & Torbay’s vision the strategy has five key objectives:</p> <ul style="list-style-type: none"> • Deliver and support new development and economic growth • Make best use of the transport network and protect the existing transport asset by prioritising maintenance • Work with communities to provide safe, sustainable and low carbon transport choices • Strengthen and improve the public transport network • Make Devon the ‘Place to be naturally active 	<p>The accompanying Implementation Plan sets out the transport schemes to deliver this strategy. It is divided into three 5 year time scales to cover the Plan period up to 2026.</p> <p>Priorities for Torbay’s third Local Transport Plan includes:</p> <ul style="list-style-type: none"> • Enabling economic growth and development • Enhancing Torbay’s built and natural environment • Improving health and activity levels • Improving access to education, employment and services • Making the big connections <p>Potential effects on European sites may relate to direct impacts (from infrastructure projects), air pollutions impacts, and increased accessibility, which could lead to increased visits to European sites.</p>
<p>Devon County Council Waste Local Plan (adopted) 2006</p>	
<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>The County Council was required as Waste Planning Authority to include strategic policies relating to waste management in its Structure Plan, and to prepare more detailed policies within a Waste Local Plan. This provides guidance to both the waste industry and the public on the land use policies in relation to waste management facilities in the County. Together with the Devon Structure Plan and the District-wide Local Plans, the Waste Local Plan will form part of the Development Plan for Devon which will be used</p>	<p>Potential for impacts on European sites, dependent on location of waste management facilities.</p> <p>POLICY WPP3: SITES FOR MINOR WASTE MANAGEMENT FACILITIES</p> <p>Additional minor waste management facilities are proposed at the following locations:</p>

<p>ED33 Withyhayes</p> <p>MD02 Ashley</p> <p>MD14 Punchbowl</p> <p>SH10 Laphorne Cross</p> <p>SH12 Marlands</p> <p>TE12 Shutterton Industrial Estate</p> <p>TE16 Kenbury Wood, Kennford</p> <p>TE19 Ruby Farm, Abbotskerswell</p> <p>TE25 Yannon Lane, Kingskerswell</p> <p>TO01 Anvil Corner, Holsworthy</p> <p>WD10 Exeter Road, Okehampton</p> <p>The sites highlighted in bold are minor waste management facilities within 10km of Torbay Council's administrative boundary.</p> <p>SH10 Laphorne Cross</p> <p>Potential Uses - Possibility of introducing a greenwaste composting facility at this site.</p> <p>SH12 Marlands</p> <p>Potential Uses - Inert waste recycling, waste transfer and greenwaste composting.</p> <p>TE19 Ruby Farm</p>

to assess all planning applications for new waste development. The Devon County Waste Local Plan does not include policies relating to Plymouth, Torbay, Dartmoor and Exmoor National Parks, as these Authorities are responsible for preparing their own Waste Policies. However, the Plan does take into account the wastes generated in these areas, as they may be processed or disposed of at sites within the Plan area.

	<p>Potential Uses - Greenwaste composting, inert waste recycling and an extended waste transfer facility received planning permission in December 2005. There is also potential for installing energy recovery from the wood burning incinerator.</p> <p>TE25 Yannon Lane</p> <p>Potential Uses - May be potential for inert waste recycling and the composting of greenwaste</p>
<p>Devon County Council Minerals Local Plan (adopted) 2004</p>	
<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>The objectives of the Minerals Local Plan are as follows:</p> <ol style="list-style-type: none"> 1. To strike a balance between the demand for all mineral resources and the need to protect the environment, having regard to the principles of sustainable development. 2. To maintain a stock of permitted reserves (a landbank) for aggregate minerals, in accordance with current Government advice. 3. To encourage the most appropriate use of all mineral resources and the re-use of waste minerals and secondary aggregates, in order to reduce the requirement for new primary resources to a minimum. 4. To protect the quality and the diversity of the County’s earth science and nature conservation interest, historic environment, water environment and landscape character. 5. To identify Mineral Working Areas which will provide for the continued extraction of minerals, having regard to the need to avoid demonstrable harm to interests of acknowledged importance. 	<p>Sites within close proximity to Torbay Council’s administrative boundary.</p> <p>Inset Plan 34 Zig Zag – The site produces various aggregate products from working its own reserves as well as continuing to supply coloured mortars from the importation of aggregates from various sources.</p> <ul style="list-style-type: none"> • Proposal: Inset 34.1 <p>The MPA will encourage the establishment and protection of a suitable Greensand exposure in the Zig Zag Quarry to complement the existing Aller Sand Pit SSSI.</p> <p>Inset Plan 35 Stoneycombe - Quarrying of the limestone involves blasting and subsequent crushing and screening to prepare the rock for sale. The site also contains a pre-cast concrete manufacture, coated roadstone manufacture and a ready mixed concrete plant. Mineral production generates large quantities of silt from the stone working process.</p> <ul style="list-style-type: none"> • PROPOSAL: INSET 35.1 • The MPA will analyse the results of the monitoring of the water environment in order to ensure that quarrying does not result in unacceptable adverse impacts on the underlying geology and karst features.

<p>6. To ensure, in consultation with local communities, that mineral sites are progressively restored to a beneficial after-use.</p> <p>7. To prevent the sterilisation of proven mineral resources by other forms of development.</p> <p>8. To identify those mineral sites which the County Council will seek to remove the possibility of their reopening by the service of Prohibition Orders</p>	<ul style="list-style-type: none"> • PROPOSAL: INSET 35.2 • The MPA will monitor lorry movement from the site to ensure that the agreed lorry routing scheme is adhered to. • PROPOSAL: INSET 35.3 • The MPA will review the lorry routing agreement if and when the Kingskerswell By-pass is constructed. • PROPOSAL: INSET 35.4 • The MPA will seek to preserve the remaining part of Miltor Mator Common.
<p>South Devon and Dorset SMP Review 2009 (SMP 2)</p>	
<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>The Shoreline Management Plan (SMP) sets sustainable coastal defence strategies for the future management of the shoreline. The document sets out a number of overall shoreline management objectives, which can be divided into three levels; Core Coastal Defence Management Objectives, General Strategic Management Objectives and Management Unit-Specific Objectives. The shoreline is broken down into a number of Coastal Process Units and given specific objectives for that area.</p>	<p>The approach taken to coastal defences may impact upon coastal habitats through direct land take and changes to coastal processes.</p>
<p>Torbay Council Local Plan 1995-2011</p>	
<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>The Torbay Local Plan was adopted in April 2004 and sets out a range of policies and proposals. Although working to Devon Structure Plan housing figures (rather than Regional Spatial Strategy figures), it contains a number of developments that have not yet been implemented. The Local Plan also</p>	<p>As a result of Local Government Review (April 1998) Torbay Council inherited responsibilities as the Waste Planning Authority (WPA), in addition to its existing role as the Waste Collection Authority (WCA). It also became the Mineral Planning Authority (MPA). Waste and Minerals policies are currently set out in the Waste & Minerals Chapter of the Adopted Torbay Local</p>

<p>proposes to achieve a large proportion of new housing (at least 65%) on previously developed urban land during the plan period to 2011.</p>	<p>Plan (1995-2011). These policies deal with the land use implications of the production, collection, reprocessing and disposal of waste in Torbay and with the land-use issues arising from the winning and working of minerals.</p> <p>The Local Plan will be superseded by the Development Plan Documents and Supplementary Planning Documents that will make up the Local Development Framework.</p>
<p>Torbay New Growth Point: Programme of Development 2008</p>	
<p>Aim of the document</p>	<p>Elements of the plan that could cause ‘in-combination’ effects</p>
<p>The Growth Point Programme is a tool for meeting the Community Plan objectives and delivering a step change in sustainable development in Torbay. It seeks to deliver sustainable development, to meet Torbay’s pressing needs for housing and economic regeneration. In particular this programme identifies infrastructure constraints that need to be overcome in order to unlock development potential. The capacity on the A380 ‘western corridor’ is considered to be a major issue as it is the main road serving the south of Torbay.</p>	<p>MEETING TORBAY’S HOUSING GROWTH</p> <p>In-combination effects may arise from increased housing growth and additional development at Brixham, discussed in this document. However the Core Strategy will implement this.</p> <p>Short Term – 2007/08</p> <p>The regeneration of Brixham Harbourside, waterfront and central car park will be progressed to provide mixed use development including residential, retail and employment uses.</p> <p>Medium Term - 2008/2011</p> <p>Regeneration proposals in Torquay Harbourside and town centre, together with Paignton town centre, are likely to be commenced by 2011 with associated delivery of new housing as part of mixed use developments. The implementation of regeneration proposals in Brixham is also likely to take place partly in this period, particularly at Freshwater Quarry.</p> <p>Infrastructure Needed To Deliver Sustainable Growth</p> <p>There is a need to improve accessibility to the south of Torbay along the A380 West of Paignton, which is known as the “Western Corridor”. Resolving the infrastructure constraint is essential to implementing a range of development in the south of Torbay including:</p>

	<ul style="list-style-type: none"> • Allowing a modal shift to more sustainable forms of travel by improving conditions and ease of travel for pedestrians, cyclists and public transport. • Housing at Great Parks (up to 500 dwellings on sites proposed in the Torbay Local Plan). • Improving accessibility of existing employment land at Yalberton and Long Road. • Employment proposals at Long Road South and Yalberton Road, which are set out in the Local Plan. • Regeneration proposals in Brixham. • Any further development proposals to emerge through the Local Development Framework Core Strategy.
Turning the Tide for Tourism in Torbay Strategy 2010 – 2015	
Aim of the document	Elements of the plan that could cause ‘in-combination’ effects
<p>The revised strategy, ‘Turning the Tide for Tourism in Torbay’ will build on the success of the Tourism in Torbay 2005-2015 strategy.</p> <p>The strategy will move forward with much greater emphasis placed on market led product development and modernising the current tourism offering.</p>	<p>The key potential in-combination effects arise from the product development of the major towns in English Riviera:</p> <ul style="list-style-type: none"> • Torquay • Paignton • Brixham • Babbacombe • Cockington
Torbay Community Plan 2007-2027	

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

<ul style="list-style-type: none"> • Strategy and policy; • Operation and service delivery; • Research; • Infrastructure development; • Coastal zone management and sustainability; and • Product development, events and promotion <p>Infrastructure development has the greatest potential for in-combination effects as it proposes that the TDA will:</p> <ul style="list-style-type: none"> • improve and increase our mooring provision • assess the potential for harbour expansion, particularly considering <ul style="list-style-type: none"> o A Northern Arm, Brixham o Improvements to Brixham Inner Harbour o Extension of East Quay at Paignton Harbour o Expansion of existing infrastructure to create additional sheltered waterspace o A Town Dock o Inner harbour pontooning at Torquay harbour • support the development of the harbour as a commercial and recreational port • endeavour to improve facilities for the embarkation and disembarkation of passengers from pleasure boats and visiting vessels

The objective of the strategy is to protect and enhance what we have whilst at the same time deriving sustainable economic and social benefit. The underlying principle is that this strategy will have sustainable development at its core, so that we can deliver our economic, social and environmental objectives.

	<ul style="list-style-type: none"> • consider best practice in harbour regeneration elsewhere to assess the potential for Tor Bay • work with private sector operators to consider commercially viable opportunities for the enclosed waterspace, including floating restaurants, and vessels of special interest.
South Hams Core Strategy (Adopted)	
Aim of the document	Elements of the plan that could cause 'in-combination' effects
The Core Strategy contains the planning vision and strategy for the district, setting out overall levels of new housing and employment land over the period 2001-2016. It also explains the Council's preferred general distribution of that development.	Overall the Core Strategy requires 6,000 new homes on allocated sites across the District by 2016. The Strategy aims to accommodate the majority of new development in the new community at Sherford (4,000 houses by 2016), close to Plymouth and at the Plymouth Urban Fringe in the South Hams part of the Plymouth Principal Urban Area (500 houses). Remaining allocations will be met through development in existing market towns and centres. The Core Strategy aims to accommodate 50 per cent of new housing on previously developed land. It also requires the provision of 62 hectares of employment land between 2001 and 2016, with 42 hectares of this located at the Plymouth Principal Urban Area (at Sherford New Community, Langage Employment Estate and Roborough). Most of the remaining allocations are at the Area Centres of Dartmouth, Ivybridge, Kingsbridge and Totnes.
Appropriate Assessment Advice on South Hams District Council Core Strategy 2006	
Aim of the document	Elements of the plan that could cause 'in-combination' effects
<p>The document examines whether the South Hams District Council Core Strategy is likely to have any significant effects on European sites.</p> <p>The report identified seven Natura 2000 sites that could potentially be affected by the LDF Core Strategy, these were:</p> <ul style="list-style-type: none"> • Dartmoor SAC; 	The South Hams Core Strategy concentrates development at the Sherford New Community, close to the Plymouth PUA, and at the PUA itself. It is considered that the Sherford development has the greatest potential (in terms of the overall Core Strategy) to impact upon European sites of nature conservation significance, due to the scale of the development and its proximity to Plymouth Sound & Estuaries SAC, Tamar Estuaries Complex SPA and Dartmoor SAC.

<ul style="list-style-type: none"> • Plymouth Sound & Estuaries SAC; • Tamar Estuaries Complex SPA; • South Hams SAC; • South Dartmoor Woods; • Blackstone Point; and • South Devon Shore Dock SAC. 	<p>Due to the focus of the remaining housing and employment on existing market towns, on previously developed land, the potential for impact on European sites is considered negligible, and no further assessment is considered necessary. However, the potential for impacts may need to be re-assessed if further clarification or changes to development boundaries are made in future Development Plan Documents.</p> <p>Notwithstanding the above, the Core Strategy is considered to contain significant mitigating factors to ensure no adverse impacts on European sites. This includes work undertaken for the SA/SEA of the Core Strategy, and the inclusion of strong policies that ensure protection of sites of nature conservation importance.</p>
Exeter City Council LDF Core Strategy (adopted)	
Aim of the document	Elements of the plan that could cause ‘in-combination’ effects
<p>The Core Strategy sets out the vision, objectives and strategy for the spatial development of the City. In particular, it explains how proposed levels of employment and housing growth may be accommodated and how, and to what extent, forecast levels of retail growth may be met.</p>	<p>The Core Strategy will make provisions for at least 6,700 dwellings and 85 hectares of employment land between 2001 and 2016 and for 7,875 dwellings and up to 60 hectares of employment land between 2006 and 2021.</p> <p>The LDF Core Strategy for Exeter has the potential for impacts on Dawlish Warren SAC and Exe Estuary (SPA/Ramsar).</p>
HRA Screening Dartmoor National Park Authority (Version 1) December 2007	
Aim of the document	Elements of the plan that could cause ‘in-combination’ effects
<p>The document sets out the Habitat Regulations Assessment of land use plans produced by Dartmoor National Park Authority. It includes the assessment of the National Park Management Plan and each Development Plan Document (DPD) of the Dartmoor National Park Local Development Framework (LDF). The document sets out the screening stage of the assessment.</p>	<p>“It considered that Core Strategy policies, in setting the ‘general principles’ for development, demonstrate a fundamental concern for the protection, conservation and enhancement of habitat and biodiversity interests at this level.”</p>

<p>Three Special Areas of Conservation are examined in the document; these are Dartmoor SAC, South Hams SAC and South Dartmoor Woods SAC.</p>	<p>The screening concludes that there is the potential for new development at Buckfastleigh to have an impact upon Greater Horseshoe Bat maternity roost and hibernation sites at the South Hams SAC. The Authority states that the protection of European sites and species will be secured by careful drafting of policies in subsequent DPDs, which will be informed by the detailed Appropriate Assessment of the Core Strategy.</p> <p>The screening assessment of the Dartmoor National Park Management Plan Ambitions concluded that they also had the potential to have a significant effect on one or more of the SACs. It was identified that Ambition 10 (recreation and enjoyment) has the potential for significant effects on greater horseshoe bat maternity roost site (South Hams SAC) through recreation damage, in particular in combination with other plans.</p>
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Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
Qualifying Interests	<p>SAC</p> <p>Annex I habitats primary reason for selection:</p> <p><u>European dry heaths</u> <u>Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</u></p> <p>Annex I Habitats qualifying feature:</p> <p><u>Vegetated sea cliffs of the Atlantic and Baltic coasts</u> <u>Caves not open to the public</u> <u><i>Tilio-Acerion</i> forests of slopes, screes and ravines</u></p> <p>Annex II species primary reason for selection:</p> <p><u>Greater horseshoe bat</u><i>Rhinolophus ferrumequinum</i></p>
Conservation Objectives	<p>Component SSSI: Berry Head to Sharkham SSSI</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p>To maintain, in favourable condition the Caves not open to the public, European Dry Heaths, Semi-natural dry grasslands and scrub facies on calcareous substrate, Vegetated sea cliffs of the Atlantic and Baltic Coasts. To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</p> <p><i>Note: maintenance implies restoration if the feature is not currently in favourable condition.</i></p> <p>Component SSSI: Haytor and Smallacombe Iron Mine</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	<p>The conservation objectives for the European interests on the SSSI are :</p> <p style="padding-left: 40px;">To maintain, in favourable condition Caves not open to the public.</p> <p>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</p>
	<p>Component SSSI: Buckfastleigh Caves</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p style="padding-left: 40px;">To maintain, in favourable condition the Caves not open to the public.</p> <p style="padding-left: 40px;">To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</p>
	<p>Component SSSI: Bulkamore Iron Mine</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p style="padding-left: 40px;">To maintain, in favourable condition the Caves not open to the public.</p> <p style="padding-left: 40px;">To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</p>
	<p>Component SSSI: Chudleigh Caves and Woods</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p style="padding-left: 40px;">To maintain, in favourable condition the <i>Tilio - Acerion</i> forests of slopes, screes and ravines, and the Caves not open to the public.</p> <p>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
Key Environmental Conditions (factors that maintain site integrity)	<p>Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic.*</p> <p>Maintaining hydrological conditions.*</p> <p>Maintain natural woodland processes and diverse woodland structure.*</p> <p>The roosts of the Greater horseshoe bat are sensitive to disturbance (internal and external) and would need to be limited to acceptable levels.*</p> <p>The internal conditions (temperature, light, ventilation, stability etc) of the cave systems, disused quarries and mine-shafts that support the Greater horseshoe bat population should be maintained.</p> <p>Any development or intrusion that may influence these factors would leave the suitability of the site and the species at risk. The most likely cause of disturbance to the site is the unauthorised entry into the roosts and indirect threats that could stem from the disturbance of feeding areas, impacts on flight paths, light and noise pollution.</p>					
Condition of SSSI Units (Compiled August 2011) **	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
Berry Head to Sharkham Point SSSI (11 units)						
	100.00%	86.58%	13.42%	0.00%	0.00%	0.00%
Bulkamore Iron Mine SSSI (6 units)						
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
Haytor and Smallacombe Iron Mines SSSI (5 units)						
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
Buckfastleigh Caves SSSI (5 units)						
	100.00%	39.98%	60.02%	0.00%	0.00%	0.00%
Chudleigh Caves And Woods SSSI (8 units)						
	67.43%	67.43%	0.00%	0.00%	32.57%	0.00%

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
Site Vulnerabilities	<p>Direct loss of habitat through development allocations pressures and transport developments</p> <p>Direct loss of habitat through neglect or inappropriate management</p> <p>Increased deposition from industrial processes</p> <p>Public access</p> <p>Recreational pressure – caving/climbing activities</p> <p>Direct loss, disturbance and alteration of micro-climate of roost sites for Greater Horseshoe Bats</p> <p>Loss of feeding areas (within 2km of roost site for juvenile bats and 6km of roost site for adult bats))(i.e. woods, grazing) ***</p> <p>Impacts on flight paths, e.g. loss or change in management of hedgerows used for navigation by bats; alteration of street lighting regimes in areas used by bats ***</p> <p>Light and noise pollution</p> <p>Sea level changes *</p> <p>Potential impacts of port development in Torbay area (Brixham) *</p>
Site	DARTMOOR SAC. Located within: Devon County Authorities. Area (ha): 23165.77
Qualifying Interests	<p>SAC</p> <p>Annex I habitats primary reason for selection</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>European dry heaths</p> <p>Blanket bogs (Priority feature)</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Annex II species primary reason for selection</p> <p>Southern damselfly <i>Coenagrion mercuriale</i></p> <p>Annex II species qualifying feature</p> <p>Atlantic salmon <i>Salmo salar</i></p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	Otter <i>Lutra lutra</i>
Conservation Objectives	<p>Tor Royal Bog</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <p>To maintain, in favourable condition, the blanket bog.</p>
	<p>East Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <p>To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with <i>Erica tetralix</i>, and European dry heaths. To maintain, in favourable condition, the habitats for the populations of Atlantic salmon (<i>Salmo salar</i>).</p>
	<p>North Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <p>To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths, old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles. To maintain, in favourable condition, the habitats for the populations of southern damselfly (<i>Coenagrion mercuriale</i>), otter (<i>Lutra lutra</i>), and Atlantic salmon (<i>Salmo salar</i>).</p>
	<p>South Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <p>To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths. To maintain, in favourable condition, the habitats for the populations of otter (<i>Lutra lutra</i>), and Atlantic salmon (<i>Salmo salar</i>).</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
Key Environmental Conditions (factors that maintain site integrity)	<p>Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic</p> <p>Maintaining hydrological conditions and regimes</p> <p>Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids</p> <p>Maintain natural woodland processes and diverse woodland structure</p> <p>Maintain high air quality.</p> <p>Maintain quality of wetland habitat for southern damselfly, which includes extent of larval habitat, levels of shading, water quality with low nutrient levels, suitable composition of silt and gravel, adequate water levels throughout the year, and a suitable composition and structure of vegetation within runnels</p> <p>Manage fish stocks</p> <p>Levels of disturbance, particularly bankside usage, need to be kept to acceptable levels</p>					
Condition of SSSI Units (Compiled August 2011) **	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
Tor Royal Bog SSSI (2 units)						
41.03% 41.03% 0.00% 58.79% 0.00% 0.00%						
East Dartmoor SSSI (22 units)						
100.00% 51.48% 48.52% 0.00% 0.00% 0.00%						
North Dartmoor SSSI (70 units)						
99.72% 22.28% 77.44% 0.00% 0.28% 0.00%						
South Dartmoor SSSI (52 units)						
99.18% 7.36% 91.82% 0.36% 0.46% 0.00%						
Wistman's Wood SSSI (4 units)						

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
	100.00%	36.76%	63.24%	0.00%	0.00%	0.00%
	Dandles Wood SSSI (4units)					
	100.00%	96.71%	3.29%	0.00%	0.00%	0.00%
Site Vulnerabilities	<p>Ecological character of site dependant to a large extent upon long-established traditional farming methods.</p> <p>Blanket bog and wet heath is vulnerable to uncontrolled and unplanned fires</p> <p>Dartmoor is used for military training and artillery and mortar fire has led to the formation of numerous craters, and gully erosion in some areas, though this activity has ceased and the craters are now healing naturally.</p> <p>Dry heath on Dartmoor has suffered extensive damage through overgrazing and frequent burning. As a consequence of this some areas of former dry heath have been converted to grass moorland, and large areas are in unfavourable condition because of low dwarf-shrub cover.</p> <p>In relation to water resources the potential drying of blanket bogs would affect this priority feature, and low flows in rivers could affect otter and salmon habitat</p> <p>Wet and dry heaths are vulnerable to eutrophication through nitrogen deposition</p>					
Site	SOUTH DARTMOOR WOODS SAC. Located within: Devon County Authority. Area (ha): 2157.15					
Qualifying Interests	<p>SAC</p> <p>Annex I habitats primary reason for selection:</p> <p style="padding-left: 40px;"><u>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</u></p> <p>Annex I Habitats qualifying feature:</p> <p style="padding-left: 40px;"><u>European dry heaths</u></p>					
Conservation Objectives	<p>Component SSSI's :Yarner Wood and Trendlebere Down (part)</p> <p>The conservation objectives for the European interests on the SSSI's are :</p>					

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
	To maintain western acidic oakwoods with <i>Ilex</i> and <i>Blechnum</i> (W16, W17 & some W11 & W10e) and upland dry heath in favourable condition					
	Component SSSI's : Holne Woods, Bovey Valley Woodlands and part of Yarner Wood and Trendlebere Down					
	The conservation objectives for the European interests on the SSSI's are : (subject to natural change-if necessary), to maintain western acidic oakwoods with <i>Ilex</i> and <i>Blechnum</i> (W16, W17 & some W11 & W10e) and upland dry heath in favourable condition					
	Component SSSI's : Holne Woods					
	The conservation objectives for the European interests on the SSSI's are : (subject to natural change-if necessary), to maintain western acidic oakwoods with <i>Ilex</i> and <i>Blechnum</i> (W16, W17 & some W11 & W10e) and upland dry heath in favourable condition					
Key Environmental Conditions (factors that maintain site integrity)	<p>Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic. *</p> <p>Maintaining hydrological conditions and regimes. *</p> <p>Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids. *</p> <p>Maintain natural woodland processes and diverse woodland structure. *</p> <p>Maintain high air quality</p>					
Condition of SSSI Units (Compiled August 2011) **	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	Bovey Valley Woodlands SSSI (14 units)					

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	Hembury Woods SSSI (2 units)					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	Holne Woodlands SSSI (18 units)					
	100.00%	57.31%	42.69%	0.00%	0.00%	0.00%
	Sampford Spiney SSSI (15 units)					
	100.00%	87.34%	12.66%	0.00%	0.00%	0.00%
	Shaugh Prior Woods SSSI (5 units)					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	Teign Valley Woods SSSI (7 units)					
	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
	Yarner Wood & Trendlebere Down SSSI (8 units)					
100.00%	9978%	0.22%	0.00%	0.00%	0.00%	
Site Vulnerabilities	<ul style="list-style-type: none"> • Heavy recreational pressure. • Long-term decline in lichens due to air pollution and/or climate change. • Dry heath subject to heavy grazing and uncontrolled fires (arson). • Dry heaths are vulnerable to eutrophication through nitrogen deposition. 					

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
Site	DAWLISH WARREN SAC. Located within: Devon County Authority. Area (ha): 58.84
Qualifying Interests	<p>SAC</p> <p>Annex I habitats primary reason for selection:</p> <p><u>Humid dune slacks</u></p> <p>Annex I Habitats qualifying feature:</p> <p><u>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')</u> <u>Fixed dunes with herbaceous vegetation ('grey dunes') * Priority feature</u></p> <p>Annex II species primary reason for selection:</p> <p>Petalwort <i>Petalophyllum ralfsii</i></p>
Conservation Objectives	<p>Component SSSI: Dawlish Warren</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <p>To maintain, in favourable condition, the fixed dunes with herbaceous vegetation ("grey dunes"), humid dune slacks, and shifting dunes along the shoreline with <i>Ammophila arenaria</i> (marram grass) ("white dunes").</p> <p>To maintain, in favourable condition, the habitats for the population of petalwort (<i>Petalophyllum ralfsii</i>).</p>
Key Environmental Conditions (factors that maintain site integrity) *	<p>Management of access to minimise trampling and disturbance.</p> <p>Appropriate management of the dunes to allow for the following combination of physical factors:</p> <p>unrestrained natural mobility to retain a variety of successional stages; natural substrate supply; maintenance of substrate composition;</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
	<p>water quality; and climate/rainfall.</p> <p>Selective scrub management and grazing may be necessary as well as control of invasive species.</p>					
Condition of SSSI Units (Compiled August 2011) **	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	Dawlish Warren SSSI (9 units)					
	85.84%	6.27%	79.57%	0.00%	14.16%	0.00%
Site Vulnerabilities	<p>Recreational pressure – Erosion serious problem. Declining water-table, and inappropriate ditch management. Much of the fixed dune grassland is a golf course and is subjected to wear, whilst modifications to the course can have an impact on adjoining species-rich grassland, for example, by spray-drift of chemicals. Inappropriate coastal management, including stabilisation/flood defence. * Insufficient scrub and weed control, leading to encroachment of scrub and rank grassland species.*</p>					
Site	EXE ESTUARY SPA/RAMSAR Located within: Devon County Authority. Area (ha): 2345.71					
Qualifying Interests	<p>SPA</p> <p>Over winter the area regularly supports (Article 4.1):</p> <p style="padding-left: 40px;">Slavonian Grebe <i>Podiceps auritus</i> - 5% of the GB population Avocet <i>Recurvirostra avosetta</i> - 28.3% of the GB population</p> <p>Over winter the area regularly supports (Article 4.2):</p> <p style="padding-left: 40px;">Brent Goose <i>Branta bernicla bernicla</i> - 0.6% of the population Dunlin <i>Calidris alpina alpina</i> - 1.1% of the population in Great Britain</p>					

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	<p>Oystercatcher <i>Haematopus ostralegus</i> - 1.2% of the population in Great Britain Black-tailed Godwit <i>Limosa limosa islandica</i> - 7.2% of the population in Great Britain Grey Plover <i>Pluvialis squatarola</i> - 1.1% of the population in Great Britain</p> <p>Ramsar</p> <p>Criterion 5: Assemblages of international importance – species with peak counts in winter, 20263 waterfowl.</p> <p>Criterion 6: Species/populations occurring at levels of international importance.</p> <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> - 1509 individuals</p> <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p> <p>Black-tailed godwit <i>Limosa limosa islandica</i> - 857 individuals</p>
Conservation Objectives	<p>Component SSSI: Exe Estuary</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the internationally important populations of the regularly occurring Annex 1 bird species, under the Birds Directive, in particular:</p> <p>Mudflat and sandflat communities (excluding seagrass bed communities). Saltmarsh communities. Shallow coastal waters.</p> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the population of internationally important populations of regularly occurring migratory bird species, under the Birds Directive, in particular:</p> <p>Intertidal mud and sandflat communities (excluding seagrass bed communities).</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53					
	<p>Saltmarsh communities. Seagrass bed communities.</p> <p>subject to natural change, to maintain*, in favourable condition, internationally important assemblage of waterfowl, under the Birds Directive, in particular:</p> <p>Mudflat and sandflat communities (excluding seagrass bed communities). Saltmarsh communities. Seagrass bed communities. Intertidal and subtidal boulder and cobble scar communities.</p>					
Key Environmental Conditions (factors that maintain site integrity)	<p>Maintenance of current extent and distribution of feeding and roosting habitat, in particular:</p> <p>Mudflat and sandflat communities (excluding seagrass bed communities). * Saltmarsh communities. * Shallow coastal waters. *</p> <p>Absence of disturbance, absence of obstructions to view lines, food availability, vegetation characteristics of Atlantic saltmeadows, water quality and quantity, habitat connectivity. *</p>					
Condition of SSSI Units (Compiled August 2011) **	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	Dawlish Warren SSSI (9 units)					
	85.84%	6.27%	79.57%	0.00%	14.61%	0.00%
	Exe Estuary SSSI (46 units)					
	100.00%	84.33%	15.67%	0.00%	0.00%	0.00%
Site Vulnerabilities	<p>Recreational activity – disturbance to waterfowl Dredging could have an adverse effect on the Dawlish Warren Sandspit and sediment movement patterns.</p>					

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	<p>Oil/ chemical spills Mussel bed development pressure Maintain hydrological conditions and regimes Flood plain development and associated implications for hydrology and requirements for flood protection and constraints to water level management* Inappropriate ditch management, causing lowering of local water table* Invasive freshwater species* Grazing – parts of the site are undergrazed or overgrazed, with resultant build up of thatch and scrub encroachment, or damage for example poaching/trampling.*</p>
Site	Lyme Bay and Torbay cSAC (31,248 ha) Dorset and Devon Coast
Qualifying Interest	<p>cSAC</p> <p>Annex I habitats primary reason for selection</p> <p>Reefs Submerged or partially submerged sea cave</p> <p>The conservation objective for Lyme Bay and Torbay Annex 1 Reefs: Subject to natural change, maintain or restore the Reefs in / to favourable condition, in particular the sub-features:</p> <p>Bedrock reef communities Biogenic reef communities</p> <p>The conservation objective for Lyme Bay and Torbay Annex 1 Submerged or partially submerged sea cave: Subject to natural change, maintain the Submerged or partially submerged sea cave in favourable condition.</p>
Key Environmental Conditions	<p>Annex 1 Reefs</p> <p>No reduction in extent of reef allowing for natural change.</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53				
(factors that maintain site integrity)	<p>Maintain the full variety of biotopes identified for the site, allowing for natural succession or known cyclical change. Maintain the distribution of biotopes, allowing for natural succession/known cyclical change. No change in the extent of the biotope(s), allowing for natural succession/known cyclical change. No decline in biotope quality due to change in species composition or loss of notable species, allowing for natural succession/known cyclical change. Where declines in biotope quality have occurred due to damage from scallop dredging, these declines will need to be reversed. Maintain age/size class structure of individual species populations. Where decline in age/size class structure of individual species populations have occurred due to damage from scallop dredging, these declines will need to be reserved.</p> <p>Annex 1 Submerged or partially submerged sea cave</p> <p>No reduction in number of caves within a site allowing for natural change. No change in dimensions of a cave, allowing for natural change that is part of a wider coastal geomorphological management regime. Maintain the full variety of biotopes identified for the caves, allowing for natural succession or known cyclical change.</p>				
Assessment of interest feature (s) against selection criteria	features of interest	Representativity (a)	Relative surface (b)	Structure and function (c)	Global assessment (d)
	Reefs	Grade A (excellent)	Grade C	Grade II (well conserved)	Grade A (excellent conservation value)
	Sea caves	Grade A (good representativity)	N/A	Grade A (excellent conservation value)	Grade B (good conservation value)
Site Vulnerabilities	<p>Annex 1 Reefs</p> <p>Physical loss</p> <p>Removal (e.g. capital dredging, offshore development) Smothering (e.g. by aggregate dredging, disposal of dredge spoil) Physical damage Siltation (e.g. run-off, channel dredging, outfalls)</p>				

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	<p>Abrasion (e.g. boating, anchoring, demersal fishing) Non -physical disturbance Noise (e.g. boat activity) Visual (e.g. recreational activity)</p> <p>Toxic contamination</p> <p>Introduction of synthetic compounds (e.g. pesticides, TBT, PCBs) Introduction of non-synthetic compounds (e.g. heavy metals, hydrocarbons)</p> <p>Non - toxic contamination</p> <p>Changes in nutrient loading (e.g. agricultural run-off, outfalls) Changes in organic loading (e.g. mariculture, outfalls) Changes in turbidity (e.g. run-off, dredging)</p> <p>Biological disturbance</p> <p>Introduction of microbial pathogens Introduction of non-native species and translocation Selective extraction of species (e.g. bait digging, wildfowling, commercial & recreational fishing)</p> <p>Annex 1 Submerged or partially submerged sea cave</p> <p>Physical damage</p> <p>Siltation (e.g. run-off, channel dredging, outfalls) Abrasion (e.g. boating, anchoring, demersal fishing)</p> <p>Non - toxic contamination</p>

Site	SOUTH HAMS SAC. Located within: Torbay Unitary & Devon County Authorities. Area (ha): 129.53
	Changes in organic loading (e.g. mariculture, outfalls) Changes in salinity (e.g. water abstraction, outfalls)
References	
<p>Information sourced from the Joint Nature Conservation Committee website http://www.jncc.gov.uk/, except where indicated.</p> <p>Appropriate Assessment of the Draft Regional Spatial Strategy for the South West: Appendix 3 – Appropriate Assessment Site Schedules(LUC, SWRA, Feb 2007)</p> <p>Evidence Base for Designation of Lyme Bay and Torbay Special Area of Conservation (2010)</p> <p>Other sources referenced are:</p> <p>Sources: * denotes information sourced from the Appropriate Assessment of the RSS for the South West: Appendix 3 – Appropriate Assessment Site Schedules.</p> <p>**Natural England: www.english-nature.org.uk/Special/sssi</p> <p>*** Council Officers</p>	

Category A: No negative effect	
A1	Policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Policies intended to protect the natural environment, including biodiversity.
A3	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Policies that positively steer development away from European sites and associated sensitive areas.
A5	Policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
Category B: No significant effect	
B	Effects are trivial or 'de minimis', even if combined with other effects.
Category C: Likely significant effect alone	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.

C6	Options, policies or proposals, which depend on how the policies etc are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'.
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
Category D: Likely significant effect in combination	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the LDD (internally) the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

Policy	Element of the Policy	Category	European site	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
SD1	Growth Strategy for a prosperous Torbay	C2	South Hams SAC Lyme Bay and Torbay Marine cSAC Dartmoor SAC	Development proposed by the Local Plan could result in: 1. Direct loss of habitats (calcareous grassland and heathland) 2. Disturbance to GHS bat strategic flyways and sustenance zone. 3. Physical damage and toxic contamination of reefs and sea cave. 4. In combination effects on Atlantic Salmon migratory routs.	Yes, the policy should be amended to include the following sentences: <i>“New development and infrastructure should avoid significant and cumulative impacts on European sites”</i> <i>and</i> <i>“Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”</i>	Yes, Lower tier plans following this policy require Appropriate Assessment (AA).
SD2	Presumption in Favour of Sustainable Development	A2	N/A	No significant impact	N/A	No

1. Likely Significant Effect

Policy	Element of the Policy	Category	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
E1	Employment	A5	No significant impact	N/A	No
E2	Employment space	A5	No significant impact	N/A	No
E3	Marine economy	A5	No significant impact	N/A	No
E4	Education, skills and local labour	A5	No significant impact	N/A	No
TC1	Town centres and retail	A5	No significant impact	N/A	No
TC2	New Local and Neighbourhood Centres	A5	No significant impact	N/A	No
TC3	Retail development	A5	No significant impact	N/A	No
TC4	Change of use within Centres and elsewhere	A5	No significant impact	N/A	No
TC5	Evening and night time economy	A5	No significant impact	N/A	No
T1	Tourism, events and culture	A5	No significant impact	N/A	No
T2	Change of Use of Tourism Accommodation and Facilities	A5	No significant impact	N/A	No
TA1	Transport and accessibility	A5	No significant impact	N/A	No
TA2	Strategic transport improvements	A5	No significant impact	N/A	No
IF1	Infrastructure and delivery of development	A5	No significant impact	N/A	No
IF2	Information and communications technology	B	No significant impact	N/A	No
IF3	Development access	A1	No significant impact	N/A	No

Policy	Element of the Policy	Category	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
IF4	Parking requirements	A1	No significant impact	N/A	No
EN1	Natural environment	A3	No significant impact	N/A	No
EN2	Green infrastructure	A3	No significant impact	N/A	No
EN3	Urban Landscape Protection Areas	A3	No significant impact	N/A	No
C1	Countryside, strategic green wedges and rural economy	A3	No significant impact	N/A	No
C2	The coast	A2	No significant impact	N/A	No
NC1	Biodiversity and Geodiversity	A2	No significant impact	N/A	No
HE1	Conservation and the historic environment	A3	No significant impact	N/A	No
EG1	Sustainable construction and design	A1	No significant impact	N/A	No
EG2	Designing for low carbon development and climate change	A1	No significant impact	N/A	No
EG3	Renewable and low carbon infrastructure	A1	No significant impact	N/A	No
ER1	Renewable and low carbon infrastructure	A3	No significant impact	N/A	No
ER2	Water management	A3	No significant impact	N/A	No
ER3	Contamination	A2	No significant impact	N/A	No
ER4	Ground stability	A3	No significant impact	N/A	No

Policy	Element of the Policy	Category	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
W1	Waste	A3	No significant impact	N/A	No
W2	Waste Audit for major development	A1	No significant impact	N/A	No
W3	Existing waste management facilities in Torbay	A1	No significant impact	N/A	No
W4	Proposals for waste management facilities	A5	No significant impact	N/A	No
W5	Waste water treatment facilities	A2	No significant impact	N/A	No
M1	Minerals	A5	No significant impact	N/A	No
M2	Maximising the use of secondary and recycled aggregates	A1	No significant impact	N/A	No
M3	Preserving and safeguarding of limestone resources and key local building stone	B	No significant impact	N/A	No
SC1	Sustainable Communities	A1	No significant impact	N/A	No
SC2	Sport, leisure and recreation	A1	No significant impact	N/A	No
SC3	Healthy Bay	A1	No significant impact	N/A	No
SC4	Child poverty	A1	No significant impact	N/A	No
DE1	Design	A1	No significant impact	N/A	No
DE2	Building for Life	A1	No significant impact	N/A	No
DE3	Development amenity	A1	No significant impact	N/A	No

Policy	Element of the Policy	Category	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
DE4	Building heights	A1	No significant impact	N/A	No
H1	Housing	A5	No significant impact	N/A	No
H2	Five year housing land supply	A1	No significant impact	N/A	No
H3	Applications for new homes	A1	No significant impact	N/A	No
H4	Affordable Housing	A1	No significant impact	N/A	No
H5	Houses in Multiple Occupation	A1	No significant impact	N/A	No
H6	Sites for Gypsies and Travellers	A1	No significant impact	N/A	No
H7	Housing for people in need of care	A5	No significant impact	N/A	No

1. LSE: Likely Significant Effect

Policy	Element of the Policy	Category	European site	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
SDT1	Torquay	C4	South Hams SAC Lyme Bay and Torbay Marine cSAC	1. Disturbance to GHS bat strategic flyways. 2. Physical damage and toxic contamination of reefs and sea cave.	No	Yes, Lower tier plans following this policy require AA
SDT2	Torquay Town Centre and Harbour Cluster	C4	Lyme Bay and Torbay Marine cSAC	Physical damage and toxic contamination of reefs and sea cave.	No	Yes, Lower tier plans following this policy require AA.
SDT3	Babbacombe and St Marychurch Coastal Core	C4	Lyme Bay and Torbay Marine cSAC	Physical damage and toxic contamination of reefs and sea cave.	No	Yes, Lower tier plans following this policy require AA.
SDT4	Torquay Gateway Cluster	C4	Lyme Bay and Torbay Marine cSAC	Disturbance to GHS bat strategic flyways.	No	Yes, Lower tier plans following this policy require AA. A detailed bat survey will be required to inform the AA.
SDP1	Paignton	C2	South Hams SAC Lyme Bay and Torbay Marine cSAC	1. Disturbance to Yes, the Policy should be amended to include the following sentence: "Development	Yes, the Policy should be amended to include the following sentence: "Development will be expected to adhere to the guidance within the South Hams	Yes, Lower tier plans following this policy require AA.

Policy	Element of the Policy	Category	European site	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
				<p>will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”GHS bat strategic flyways and sustenance zone.</p> <p>2. Physical damage and toxic contamination of reefs and sea cave.</p>	SAC – Greater horseshoe bat consultation zone planning guidance”	
SDP2	Paignton Town Centre and Seafront	C3			No	Yes, Lower tier plans following this policy require AA.
SDP3	Paignton North and West	C2	Lyme Bay and Torbay Marine cSAC	Physical damage and toxic contamination of reefs and sea cave.	No	Yes, Lower tier plans following this policy require AA.
SDP4	Clennon Valley Leisure Hub	C2	<p>South Hams SAC</p> <p>Lyme Bay and Torbay Marine cSAC</p>	<p>1. Disturbance to GHS bat strategic flyways and sustenance zone.</p> <p>2. Physical damage and toxic contamination of reefs and sea cave.</p>	Yes, the Policy should be amended to include the following sentence: <i>“Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”</i>	Yes, Lower tier plans following this policy require AA. A detailed bat survey will be required to inform the AA.

Policy	Element of the Policy	Category	European site	Possible impact on European site	Can the option be changed at screening stage to avoid LSE ⁽¹⁾	Is an appropriate assessment required
SDB1	Brixham	C1	South Hams SAC Lyme Bay and Torbay Marine cSAC	1. Disturbance to GHS bat sustenance zone. 2. Physical damage and toxic contamination of reefs and sea cave.	Yes, the Policy should be amended to include the following sentence: <i>“Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”</i>	Yes, Lower tier plans following this policy require AA. A detailed bat survey will be required to inform the AA.
SDB2	Brixham Town Centre, Harbour and Waterside	C1	South Hams SAC Lyme Bay and Torbay Marine cSAC	1. Disturbance to GHS bat sustenance zone. 2. Physical damage and toxic contamination of reefs and sea cave.	Yes, the Policy should be amended to include the following sentence: <i>“Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”</i>	Yes, Lower tier plans following this policy require AA. A detailed bat survey will be required to inform the AA.
SDB3	Brixham Urban Fringe and Area of Outstanding Natural Beauty	C1	South Hams SAC Lyme Bay and Torbay Marine cSAC	1. Direct loss of habitats (calcareous grassland and heathland) 2. Direct loss habitats supporting greater horseshoe bats. 3. Disturbance to GHS bat strategic flyways and sustenance zone. 4. Physical damage and toxic contamination of reefs and sea cave.	Yes, the Policy should be amended to include the following sentence: <i>“Development will be expected to adhere to the guidance within the South Hams SAC – Greater horseshoe bat consultation zone planning guidance”</i>	Yes, Lower tier plans following this policy require AA. A detailed bat survey will be required to inform the AA.

1. LSE: Likely Significant Effect

Site	Site features would be affected	Policy in the Local Plan causing the effect	Possible impact from the Local Plan	Possible avoidance and mitigation measures	Following implementation of mitigation, any adverse effects on integrity?
South Hams SAC	European dry heaths, Semi-natural dry grasslands and greater horseshoe bat	SD1 SDT1 SDP1 SDP3 SDP4 SDB1 SDB2 SDB3	Direct and indirect disturbance during construction and operation (noise, light, traffic) of bat population flyways and supporting habitats. Development will bring in an increased number of visitors to Berry Head or recreational pressure. Potential nutrient enrichment effect on dry heath and grassland from dog fouling.	Berry Head conservation management plan, Torbay GI and lower tier HRA should avoid adverse effects occurring. New areas of accessible natural greenspace should be identified and delivered at a minimum rate of 1ha/1000 new population (this being Natural England's Accessible Natural Greenspace Standard). Amendment suggested to text in the Local Plan Policies as recommended in the screening stage.	No
Lyme Bay and Torbay Marine cSAC	Reefs and submerged or partially submerged sea cave	SD1 SDT2 SDT3 SDT4 SDP1 SDP2	Water run-off pollution	The mitigation measures are not within the remit of the Local Plan. Point source pollution would be controlled under the Water Framework Directive (WFD) and discharge consent would be subject to HRA. Amendment suggested to text in the Local Plan Policies as recommended in the screening stage.	No

Site	Site features would be affected	Policy in the Local Plan causing the effect	Possible impact from the Local Plan	Possible avoidance and mitigation measures	Following implementation of mitigation, any adverse effects on integrity?
		SDP4 SDB1 SDB2 SDB3			
Dartmoor SAC	Atlantic salmon	SD1	Delivery of housing development in Torbay could increase water abstraction and exacerbate water pollution problems affecting the Atlantic salmon migratory routes.	The Council could add a restriction on the policy provision for new housing which prohibits permission being given until such time as the waste water treatment works have been upgraded. This upgrade would reduce the level of pollution and in turn provide additional capacity at the works to accommodate the additional	No