

**Torquay Harbour Area Action Plan**  
Development Plan Document

**Habitats Regulations  
Assessment  
Screening Report**

Regulation 27  
Pre-Submission Publication

Non-Technical Summary



photo: Paul Naylor



photo: J. Kaczanow



### **Purpose of this Document**

This document presents the findings of the Screening Stage of the Habitats Regulations Assessment (HRA) for the Torquay Harbour Area Action Plan DPD. The Screening Report aims to protect habitats and species of European nature conservation importance.

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

### **We Want Your Views**

The Strategic Planning Group welcomes feedback on this report and particularly in regard to your views on the following:

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

If you wish to comment on this report please use the contact details below.

The consultation period extends in parallel to that of the THAAP Regulation 27 Pre-Submission Publication which runs from 8<sup>th</sup> November to 17<sup>th</sup> December 2010.

### **Prepared by:**

Enfusion Ltd, Treenwood House, Rowden Lane, Bradford on Avon, BA15 2AU, t: 01225 867112

### **And**

The Strategic Planning Group, Spatial Planning, Environment, Torbay Council, 2nd Floor, Roebuck House, Abbey Road, Torquay, TQ2 5TF.

**For further information regarding the Habitats Regulations Assessment Report or to request an alternative format or language please contact the Strategic Planning Group Tel: 01803208804 or e-mail [sa@torbay.gov.uk](mailto:sa@torbay.gov.uk)**

Reference copies of the HRA report and related documents and leaflets are available at the Council's Libraries, Connections Offices and at Roebuck House, Torquay.

This Non-Technical Summary and the relevant Habitats Regulation Assessment Report can also be accessed via the Internet on <http://www.torbay.gov.uk/ldf>

This report constitutes the non-technical summary of the Habitats Regulations Assessment (HRA) of the Torquay Harbour Area Action Plan Regulation 27 Pre-Submission Publication. It provides a brief overview of the key issues and conclusions. Detailed findings are included in the full HRA Report.

## 1. What is the Torquay Harbour Area Action Plan DPD?

The Torquay Harbour Area Action Plan (THAAP) will form one of the key documents in the Torbay Local Development Framework (LDF). The THAAP seeks to provide a planning framework to facilitate the regeneration of the area, which comprises Torquay Harbour and its immediate surroundings. This area has already been the subject of numerous strategies prepared by various Council departments and the Torbay Development Agency (TDA). However, as yet, no unified approach to their delivery has existed to draw these strategies together. The purpose of the THAAP is to provide a co-ordinated approach to regeneration, complementing the regeneration initiatives promoted by the TDA. It will also provide a framework for the detailed conservation area enhancement and public realm work being implemented by the Council's Spatial Planning Business Unite.

## 2. What is Habitats Regulation Assessment?

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

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

The European Commission Guidance 2001 on the Habitats Directive sets out four distinct stages for assessments under the Habitats Directive:

- Stage 1: Screening
- Stage 2: Appropriate Assessment
- Stage 3: Assessment of alternative solutions
- Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain

This report is the outcome of the screening stage.

### 3. Consultation with Natural England

Natural England (Devon Office) was involved in the early development of a method for undertaking HRA work in 2006, including the decision on which European sites should be 'screened' for Appropriate Assessment. Further discussion has been held with the Devon Office of NE in 2007 and January 2008, and NE has also assisted by providing information relating to the conservation objectives of the sites.

Natural England has also provided the following comments on the THAAP HRA Screening report:

- Recommended minor amendments, including recognition that the vulnerabilities of bat populations extends to feeding and commuting routes.
- Comments relating to the Possible SAC (pSAC): PooleBay-LymeBay, and the likelihood that this would need to be subject to HRA if it becomes a Candidate SAC-which may occur prior to the adoption of the AAP.

### 4. Screening Findings and Further Work

This HRA screening process identified five European sites that lie within a 20km search area from the THAAP boundary and these are listed below:

- South Hams SAC
- South Dartmoor Woods SAC
- Dawlish Warren SAC
- Exe Estuary SPA
- Exe Estuary Ramsar

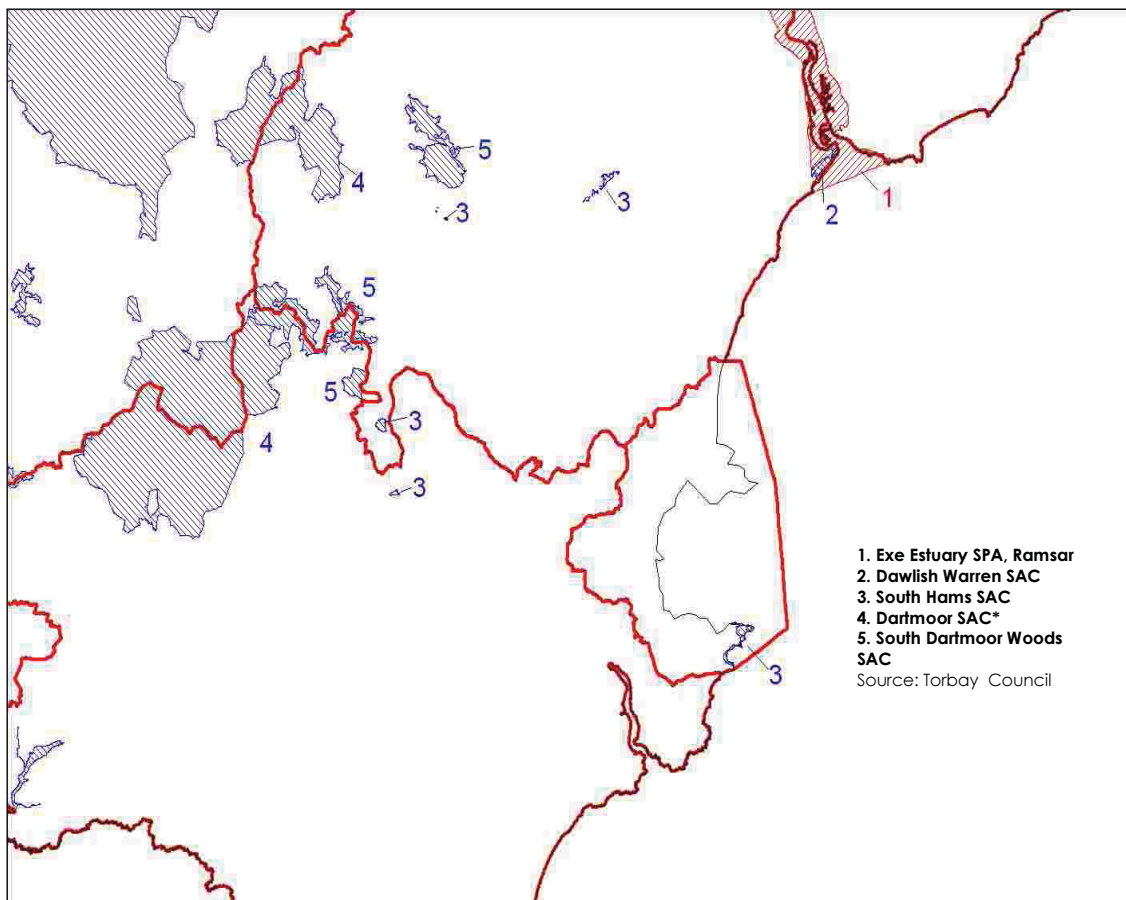
The screening process considered the potential likely significant effects arising from the Torquay Harbour Area Action Plan on those sites. The findings of the screening process are that the Area Action Plan will have no likely significant effects on any existing European sites (either alone or as a result of 'in-combination' effects from other plans and programmes being developed and implemented simultaneously in the area). This can be attributed to the nature of the DPD, which is to consolidate development and regenerate the existing built-up area of Torquay Harbour, which is a significant distance from the majority of currently designated European sites. As the DPD may lead to increased water-based transport, it was considered there was a potential for noise and disturbance impacts on European sites within reach by boat or ferry. However, this Screening Assessment has considered this potential and concluded that any increase in water-based transport likely to occur as a result of the DPD is unlikely to have a significant negative effect.

Natural England indicated that the only potential concern relating to the effects of the THAAP on European sites would be in relation to an increase in water-based traffic around Berry Head to Sharkham Point, a component of the South Hams SAC. However, this would be unlikely to have a likely significant effect on the

South Hams SAC. NE also indicated they may have concerns about increased recreational impact on the South Hams SAC, however this would be a matter to address in the HRA Screening of the Core Strategy, not the THAAP.

Natural England has advised that further work may be required on the Core Strategy, particularly in relation to effects on the South Hams SAC and this view has been supported by the work undertaken to date on in-combination effects of plans and programmes. In accordance with the Habitats Directive, each of the documents forming the LDF, including the Site Allocations and Core Strategy DPDs will be subject to a Habitats Regulations Assessment screening to identify whether there are likely to be significant effects on European sites.

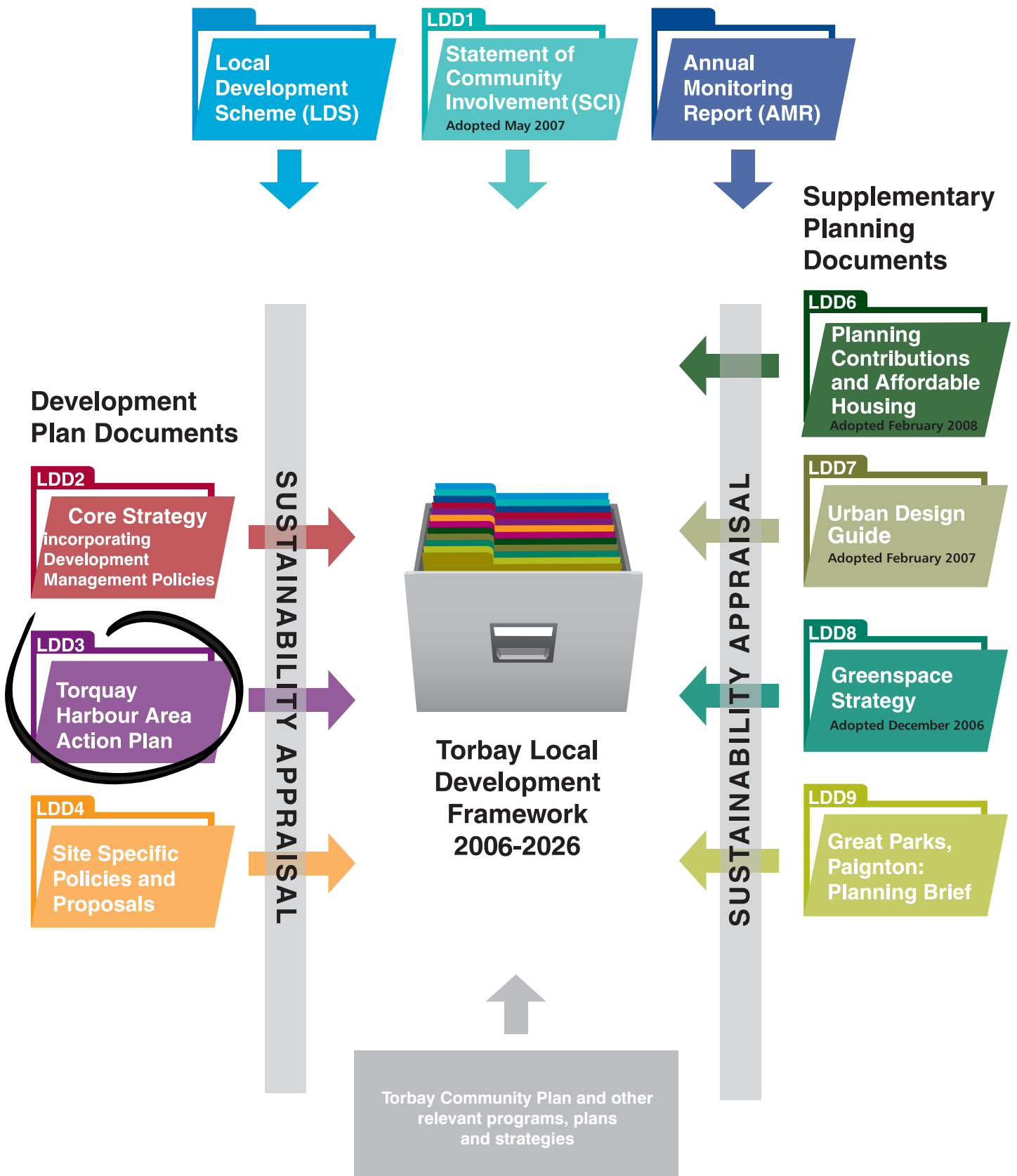
Natural England has also advised that there are likely to be implications for the Torquay Harbour AAP if the Poole Bay- Lyme Bay Possible Marine SAC is submitted to the European Commission as a candidate SAC, especially in relation to water quality. At the time NE commented on the THAAP HRA Screening Report, the boundaries of this Possible SAC were subject to confirmation. However, Lyme Bay and Torbay Marine SAC were finally declared as a candidate SAC (cSAC) among other 14 Marine SACs in August 2010. A separate Annex to the THAAP HRA Screening Report will be produced to screen the THAAP policies for any likely significant effects on the new Marine cSAC.



**Location of European Sites within 20km of Torbay Harbour**



# The structure of the Local Development Framework



Note: The status of certain Local Development Documents identified in earlier versions of the Torbay Local Development Scheme has changed as follows: LDD5 Generic Development Control Policies - now included in LDD2 Core Strategy. LDD10 Yalberton Road Paignton: Planning Brief has now been deleted.