Brixham Peninsula Neighbourhood Plan

Referendum Version

Habitats Regulations Assessment

Appropriate Assessment

March 2019

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1. Introduction

This Report sets out stage 2, Appropriate Assessment (AA), of the Habitats Regulations Assessment (HRA) process based on the Brixham Peninsula Neighbourhood Plan (BPNP) Examiner's recommendations and further modifications made post examination. The AA considers the policies that were screened out subject to recommended mitigation measures at the screening stage[1]. The approach to considering mitigation measures at stage1 screening has been influence by the Judgment of the European Court of Justice, People over Wind & Sweetman v Coillte Teoranta case C-323/17 on 12 April 2018, which interpreted that *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of a plan or project on the site"*.

Following the Sweetman/People over Wind judgment the Habitats Regulations Screening has accordingly been revisited in this AA, taking into account the judgement.

The BPNP Examiner's Report was published in July 2018[2]. Paragraph 12.9.4 of the Report states that *"On the basis that Waterside Quarry is deleted from the plan, I am satisfied that the HRA 'Screening Stage' does substantively meet the requirements, subject to the mitigation measures identified in the BPNP HRA".* The Council, as the competent authority, considers the information provided at the screening stage is sufficient to meet the Habitats Regulations of the Post Examination Plan.

2. The Screening Report Outcome

The BPNP HRA Screening Report[1] shows that the BPNP[1] policies were screened out with exception of policy J1 (Employment land – proposed, retained and refurbished) and BH3 (Delivery of new homes), which were screened out subject to recommended mitigation measures. The two policies have allocated/identified housing and employment sites respectively. Seven of these sites were found to have no likely significant effects and were therefore screened out at the HRA screening stage. The remaining seven sites in the Post Examination Plan have undergone an Appropriate Assessment to ensure the Plan accords with the 'Sweetman'/People over Wind judgment.

Policy BH3: Delivery of new homes

The Policy has allocated 11 housing sites (see Table 2, page 25, Policy BH3 (BPNP, 2017)). One site (Waterside Quarry) has subsequently been deleted. Four sites were screened out at the HRA Screening stage. These are listed below:

1. Brixham Town Centre;
2. Torbay Trading State;

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1 AECOM (2017) - Habitats Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012-2030)

2 https://www.torbay.gov.uk/media/11664/bpnpindependentexaminersreport.pdf

3. Brixham Police Station; and
4. Former Jewson.

The further six sites were screened out subject to recommended mitigation measures and therefore have been further assessed in part 3 the Appropriate Assessment. These are listed below:

1. St. Mary's / Old Dairy;
2. St. Kilda;
3. Northcliff Hotel;
4. Oxen Cove and Freshwater;
5. Knapman's Yard; and
6. Castor Road.

J1: Employment land – proposed, retained and refurbished

The Policy has identified[3] four employment sites (see Table 1 Policy J1 (BPNP, 2017)), three of which were screened out at the HRA Screening stage. These are listed below:

1. Brixham Town Centre;
2. Torbay Trading Estate; and
3. 74 New Road[4];

The remaining site (Oxen Cove and Freshwater Quarry) was screened out subject to recommended mitigation measures and therefore has been considered in part 3 the Appropriate Assessment to ensure it accords with the recent EU ruling; even though the site is not allocated and has no policy weight.

3 'Identified' J1 employment sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process primarily for employment investment subject to other policies in the Development Plan.
Committed J1 employment sites have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site's planning history is likely to be a material consideration.

4 A committed development (P/2015/0235)

3. Appropriate Assessment

This section addresses stage two Appropriate Assessment of the HRA process (Article 6(3) of Council Directive 92/43/EEC). The AA assesses the adverse effects on European sites in light of the conservation objectives and recommends mitigation measures as required. Along with the strategic policy mitigations already in place, the mitigation measures recommended in the AA should be incorporated into the BPNP. A record of the assessment for the likelihood of significant effects and proposed mitigation measures were set out in Appendix A; and a summary is provided in this section below.

Section 3 of the Screening Report summarises the main factors that could potentially affect the integrity of the European sites as a result of the in-combination effect of the Neighbourhood Plan proposals. These are:

South Hams SAC

- Fragmentation, loss and disturbance of commuting routes and foraging areas for greater horseshoe bats; and
- Recreational pressure on the calcareous grassland and European dry heath

Lyme Bay and Torbay Marine SAC

- Water quality effects on the reefs
- Recreational damage to the sea caves from diving-related tourism

3.1 Recreational pressure

Recreational pressure on the South Hams SAC and Lyme Bay and Torbay Marine SAC was covered in the Screening Report[1] (Sections 5.2 – 5.3) and Appendix B of this report. The policy framework in the Torbay Local Plan Policy NC1 and the BPNP Policy E8 include measures to control additional recreational pressure resulting from the proposed development in the BPNP on the South Hams SAC calcareous grassland and European dry heath and the Lyme Bay and Torbay Marine SAC.

3.2 Housing and Employment sites

The AA has examined the following sites in more detail. The mitigation measures included in this assessment have been extracted from the Screening Report and other available sources such as the Torbay Local Plan HRA and planning applications (relevant references were provided in Appendix A).

3.2.1 St. Mary's / Old Dairy

The site is currently occupied with light industrial buildings. While the main area of the site offers no foraging opportunities, GHBs have been recorded commuting through this area. Consequently, disturbance from new development (through increased light pollution and/or loss of lines of trees and

habitat on the eastern part of the site) could result in a likely effect on the South Hams SAC; particularly by severing this established flyway known from the radio-tracking studies[5].

From the previous radio-tracking studies, it is clear that GHBs use St Mary's Lane and the adjacent fields on either side to reach open countryside to the south-west of Brixham. It is therefore important that any development proposals for the St Mary Industrial Estate do not impair potential flight routes. It is apparent from the radio-tracking studies that the bats will, over limited distances, pass through built up areas in this part of Brixham and indeed it appears that they must fly through the gaps between buildings around the existing development at St Mary's Industrial Estate.

Mitigation Measures

Effective mitigation measures would have to be provided to ensure:

- no additional light spill into adjacent areas and boundary features (e.g. tree lines along the eastern and northern boundaries);
- no loss of these boundary features so that they continue to function as strong linear features in the landscape;

It is important that all existing mature trees and hedge lines are retained and protected to provide continued commuting habitat/features for the bats as they pass through this point. In addition, development should seek to retain the rural character of the St Mary's Lane (e.g. narrow and relatively unlit) with no light spill greater than 0.5 lux outside the boundaries of any new development e.g. a dark corridor must be retained.

While it is clearly possible that the tree lines can be retained, and for lighting on site to be designed in such a way as to limit light spill, it must be recognised that development may need to be set back at sufficient distance from the northern hedge line to achieve mitigation objectives.

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.2 St. Kilda

St. Kilda's site is located centrally in Brixham off Drew Street. The Higher Brixham Watercourse, runs in the northern part of the site, may provide a more sheltered and darker potential commuting corridor for bats. The site was assessed as low bat roosting potential; negligible bat roosting potential for bats of the horseshoe family[1]. The light levels on site appear to be high, there is an abundance of overlooking

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

residential buildings with external lighting and good street light provision. This creates no obvious dark corridors to be used for bat commuting in proximity of the existing building.

Mitigation Measures

Light spill should be retained to no greater than 0.5 lux at the Higher Brixham Watercourse that runs at the northern part of the site.

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.3 Northcliffe Hotel

The site lies on top of the cliffs overlooking Brixham Harbour. It is relatively flat and open and provides little or no semi-natural foraging habitat (although the adjacent allotments may be a source of invertebrates). Roosting and commuting opportunities would also appear limited by virtue of its position on the cliff tops. The West and North West parts of the site is surrounded by the Battery Grounds and Battery Gardens respectively.

Mitigation Measures

The key issue for development in this location is to ensure that light spill is minimised and does not extend to the West, North West or over the open water in Brixham Harbour (something that is considered highly unlikely from a residential development as is being considered).

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.4 Oxen Cove and Freshwater Quarry

The site, allocated for housing and identified for employment use, consists of two car parks. The car parks are unsuitable for bats but surrounding habitat, namely steep rock faces covered in ruderal vegetation, have been assessed[9] as providing foraging opportunities and night roosts for low numbers of bats.

The site lies within flood risk zone, development of the site could potentially impacts upon the marine features of the Lyme Bay and Torbay SAC as a result of increased sedimentation.

Mitigation Measures

The mitigation measures aim to ensure there is no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC". This could be achieve through:

- managing recreational pressure on the interest feature i.e. reefs and sea caves
- considering sustainable urban drainage and water sensitive urban design to protect the site.

Effective mitigation measures for South Hams SAC should ensure the South and South West boundaries of the site retained dark i.e. light spill should be retained to no greater than 0.5 lux.

The Torbay Local Plan Policy NC1, ER2 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.5 Castor Road

The Neighbourhood Plan states that Castor Road is proposed for the construction of 10 homes. It was subject to a planning application P/2016/0947[6] and is technically a committed site. The site is comprised of a meadow of semi-improved grassland on the back of residential housing.
Greena Ecological Consultancy identified an open-fronted shed during the 2017 surveys in the south-western part of the site which was deemed as having moderate potential for a night roost for horseshoe bats. The shed itself would not compromise the ability to deliver development on this site even if its potential roost feature had to be retained or recreated.

Mitigation Measures

Appropriate design and mitigation should be put in place, including limiting light spill to no greater than 0.5 lux outside the boundaries of the new development.
The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.6 Knapman's Yard

This site is presently a builders' yard enclosed by residential properties on Stoke Gabriel Road in Galmpton. The site gently slopes downwards from the road, and is currently used for car parking and the storage of building materials. As a brownfield site, the development would not cause the loss of any potential bat foraging habitats. The surrounding properties and position of the site make it unlikely that development would have significant adverse effects on the character of the street or wider area.

Night roosting potential was identified, on the site visit, in the structures at Knapman's Yard. This was concluded purely based on the appearance of the properties, their construction and materials used, therefore the areas of mature trees and vegetation around the site should be preserved.
Majority of the buildings at Knapman's Yard are too light to support day-time bat roosting. No evidence of bat presence, current or past, was found within the buildings.

Mitigation Measures

The areas of mature trees and vegetation around the site should be preserved.

6 Note: Application refused 16 December 2016; Appeal Allowed Decision 13 July 2017

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

3.2.7 In-combination Assessment

The Habitats Directive requires all significant effects of plans and projects, whether they are alone or in combination with other plans and projects, be assessed in view of the conservation objectives of the European site. The focus of in-combination assessment will be on relevant plans that promote future growth or encourage tourism or recreation.

The two European sites (the South Hams SAC and the Lyme Bay and Torbay SAC), as well as Torbay, are within South Hams District and Teignbridge District. Along with the Torquay and Paignton Neighbourhood Plans, these Plans will be considered in combination with the BPNP:

- Teignbridge Local Plan 2013-2033 (adopted 6th May 2014);
- South Hams Local Development Framework 2006-2016 (adopted July 2010); and
- The emerging Joint Plymouth and South West Devon Local Plan (currently at the examination)

The five plans were subject to HRA, and contain policies that provide the highest level of protection and enhancement of European protected sites. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Brixham would be reduced to an insignificant level and therefore the Brixham Peninsula Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and projects and the conservation objectives of these sites would be sustained.

4. Conclusions and Recommendations

The BPNP has been screened to check for the likelihood of significant effects on any European site. Torbay Council as a competent authority needs to ascertain whether the plan is likely to have a significant effect on European sites (either alone or in combination with other plans or projects).The assessment only considers the habitats and species that are qualifying interest features of the European sites.

These findings, identify that BPNP is not likely to have an adverse effect on the integrity of four out of the six European sites identified within 20 km of Torbay boundaries; either alone or in combination with other plans or projects. Based on the precautionary principle, the potential negative significant effects on Lyme Bay and Torbay Marine SAC and South Hams SAC have been assessed at stage 2 Appropriate Assessment.

The AA involves an assessment of Policy J1 and BH3. The record of the assessment for the likelihood of significant effects and proposed mitigation measures were set out in section 3 above and Appendix A. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Brixham would be reduced to an insignificant level and therefore the Brixham Peninsula Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and projects and therefore the conservation objectives of these sites would be sustained.

5. References

1. AECOM (2017) - Habitats Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012-2030).
2. Brixham Peninsula Neighbourhood Forum (2017) - Brixham Peninsula Neighbourhood Plan (submitted version)
3. Kestrel Wildlife Consultants Ltd. (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).
4. Sunflower International Ecological Consultancy (2015) - Castor Road, Brixham Ecological Appraisal. http://www.torbay.gov.uk/W2Planning/StreamDocPage/obj.pdf?DocNo=11145771&PageNo=1&content=obj.pd

Appendix A: Appropriate Assessment Matrix

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
1. Brixham Town Centre (25) (Housing and employment)	The site lies within the sustenance zone for greater horseshoe bats, but consists primarily of hard standing in the form of an active car park with no structures or vegetation. It is not a suitable habitat for bats.	Yes	No	N/A	Tables 2 and 3, BPNP HRA Screening Report (2017)
2. St. Mary's / Old Dairy (5)	The site is currently occupied with light industrial buildings. While, as a result, the main area of the site offers no foraging opportunities, GHBs have been recorded commuting through this area. Consequently, disturbance from new development (through increased light pollution and/or loss of lines of trees and habitat on the eastern part of the site) could result in a likely effect on the South Hams SAC; particularly by severing this established flyway known from the radio-tracking studies.	No	Yes	It is important that all existing mature trees and hedge lines are retained and protected to provide continued commuting habitat/features for the bats as they pass through this point. In addition, development should seek to retain the rural character of the St Mary's Lane (e.g. narrow and relatively unlit) with no light spill greater than 0.5 lux outside the boundaries of any new development e.g. a dark corridor must be retained. Effective mitigation measures would have to be provided to ensure: • no additional light spill into adjacent areas and boundary features (e.g. tree lines along the eastern and northern boundaries); and • no loss of these boundary features so that they continue to function as strong linear features in the landscape.	Table 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
3. St. Kilda (12)	The site was assessed as low bat roosting potential; negligible bat	No	Yes	Light spill should be retained to no greater than 0.5 lux at the Higher	Table 3, BPNP HRA

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	roosting potential for bats of the horseshoe family. The light levels on site appear to be high, there is an abundance of overlooking residential buildings with external lighting and good street light provision. This creates no obvious dark corridors to be used for bat commuting in proximity of the existing building. The Higher Brixham Watercourse runs in the northern part of the site. The stream may provide a more sheltered and darker potential commuting corridor for bats.			Brixham Watercourse that runs at the northern part of the site.	Screening Report (2017)
4. Northcliff Hotel (15)	The site is relatively flat and open and provides little or no semi-natural foraging habitat (although the adjacent allotments may be a source of invertebrates). Nor are any obvious opportunities for roosting and commuting opportunities would also appear limited by virtue of its position on the cliff tops. The West and North West of the site is surrounded by the Battery Grounds and Battery Gardens.	No	Yes	Effective mitigation measures aim to restricting light spill into adjacent areas of woodland. This could be provided through a combination of sensitive lighting design in association with sympathetic new landscape planting.	Table 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
5. Torbay Trading Estate (15) (Housing and employment)	The site is located within South Hams SAC greater horseshoe bat sustenance zone but not within a strategic flyway. The landscape around the site is too light and the wooded land to the east of the site is not considered to be suitable for roosting or foraging bats. The site was found unsuitable for bat roosting. Potential egress points are limited and the rooms under the carpark appear too light to support day-time	Yes	No	N/A	Tables 2 and 3, BPNP HRA Screening Report (2017)

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	roosting. No evidence of bat presence was found.				
6. Oxen Cove and Freshwater Quarry (10) (Housing and employment)	The site, consists of two car parks, has been identified for employment within the Torbay Local Plan. The site lies within the sustenance zone for greater horseshoe bats. The car parks are unsuitable for bats but surrounding habitat, namely steep rock faces covered in ruderal vegetation, have been assessed as providing foraging opportunities and night roosts for low numbers of bats. The site lies within flood risk zone, development of the site could potentially impacts upon the marine features of the Lyme Bay and Torbay SAC as a result of increased sedimentation.	No	Yes	The mitigation strategy aims to ensure there is no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC". This could be achieve through: • managing recreational pressure on the interest feature i.e. reefs and sea caves • considering sustainable urban drainage and water sensitive urban design to protect the site. Effective mitigation measures for South Hams SAC would have to be provided to ensure the South and South West boundaries of the site retained dark i.e. light spill is no greater than 0.5 lux.	Tables 2 and 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
7. Brixham Police Station (7)	The site is brownfield land surrounded by well-lit areas. Due to its modern construction and location in a highly illuminated urban area is both, unsuitable and with no potential roosting provision for Horseshoe bats. The two Urban Protection Areas located to the North and East of the site are manage in a way that is not suitable for greater horseshoe bat.	Yes	No	N/A	Table 3, BPNP HRA Screening Report (2017)
8. Former Jewson (20)	The site has limited potential egress points in the building and has been	Yes	No	N/A	Table 3, BPNP HRA

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	deemed as unsuitable for horseshoe bats. The surrounding habitat is formed by commercial buildings and hard standing which considered unsuitable for foraging and commuting bats.				Screening Report (2017)
9. Castor Road (10)	Ecology assessment, extended phase1 habitat (P/2016/0947)[7] hasn't resulted in finding any interest features. Whilst the site is considered to be of limited ecological value, it is located within a sustenance zone for the South Hams Greater Horseshoe Bat SAC. It thought to be possible that the site lies on the edge of a GHB flyway from Berry Head to western outskirts of Brixham. The site lies outside the broad corridor that has been mapped as being within a strategic flyway. The site is well clear (130m) of flight paths[8]. The site is surrounded by urban development on all sides, so developments within the site itself would have minimal to no impact any of these sites. The DBRC biodiversity data search has indicted a bat survey in not required, nor would it be justifiable. The site lies outside the strategic flyway for greater horseshoe bats, dispersing to forage from the Berry Head roost site. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted,	No	Yes	Appropriate design and mitigation should be put in place, including limiting light spill to no greater than 0.5 lux outside the boundaries of the new development. The shed itself would not compromise the ability to deliver development on this site even if its potential roost feature had to be retained or recreated.	Table 3, BPNP HRA Screening Report (2017) & Castor Road, Ecological Appraisal

7 Castor Road, Ecological Appraisal 2015

8 Marquis & Lord and Penny Anderson Associates, data collected by radio tracking April 2010.

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	is not likely to have a significant effect on the interest features for which South Hams SAC has been classified.				
10. Knapman's Yard (6)	The site is located within South Hams SAC greater horseshoe bat sustenance zone but not within a strategic flyway. The landscape around the site is hard standing within well-lit built-up area. Night roosting potential was identified in the structures at Knapman's Yard. This was concluded purely based on the appearance of the properties, their construction and materials used. Majority of the buildings at Knapman's Yard are too light to support day-time bat roosting. No evidence of bat presence, current or past, was found within the buildings.	No	Yes	The areas of mature trees and vegetation around the site should be preserved.	Table 3, BPNP HRA Screening Report (2017)
74 New Road (Employment)	It is a committed site (P/2015/0235) most of it is hard standing within well-lit built-up area. It fall within greater Horseshoe bat sustenance zone but not in a strategic flyway. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the South Hams SAC has been classified.	Yes	No	N/A	BPNP HRA Screening Report (2017)

Appendix B: Recreational Pressure

Recreational pressure on the calcareous grassland and European dry heath[1]

The Torbay Local Plan HRA states that the decline in calcareous grassland and European dry heath at Berry Head indicates that current visitor numbers are beyond the carrying capacity of the site. Recommended measures to control recreational pressure include:

- Raising the awareness of visitors;
- Establishing new surfaced footpath routes;
- Reducing dog-fouling;
- Preventing unauthorised vehicle access;
- Continued management of scrub; and
- Extending grazing across the cliff slopes.

Policy NC1: Biodiversity and geodiversity in the Torbay Local Plan states “Developer contributions will be sought from development within the Brixham Peninsula towards measures needed to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers or visitor pressure”.

The Torbay Local Plan is adopted, and therefore developments within the Brixham Peninsula,, specifically those within Policy H3: Delivery of New Homes, would need to adhere to Policy NC1No specific policy is therefore required within the Brixham Peninsula Neighbourhood Plan as this is an issue that applies to Torbay District more widely and applicants can’t refuse to comply with the District Council requirement for developer contributions. Nonetheless, the Neighbourhood Plan does clarify the protection conveyed to the European site in Policy E8 where it states that ‘To demonstrate compliance with paragraphs E8.1 and E8.2 development will require at the time it is considered a full report setting out, in addition to that already required by way of national and local policy, for the … dry heaths and calcareous grassland at Berryhead, an assessment to show that additional recreational pressure can be mitigated to an acceptable level’. Demonstration of the provision of adequate financial contribution to management of the SAC in line with Local Plan Policy NC1 would be an example of how a smaller developer could illustrate compliance with this policy.

Recreational pressure and water quality on Lyme Bay and Torbay SAC

Lyme Bay and Torbay SAC is located adjacent to the Neighbourhood Plan area and designated only for reef and sea caves. While reefs can be affected by boat abrasion, they will be actively avoided by boat operators and drivers, and while reefs could be affected by dredging and active removal of material, this is not within the remit of the Neighbourhood Plan, nor is any increase in moorings. Although the Neighbourhood Plan has policies generally supportive of the fishing industry, it can’t actually control that industry or result in (for example) an increase in the fishing fleet.

The Site Improvement Plan for Lyme Bay and Torbay SAC does identify that the sea saves are vulnerable to recreational damage as follows; “A number of the coastal cave features are accessible to visitors. If access is left unregulated, coasteerers, kayakers, diver visits and casual visitors using the entrances in the coastal cliffs could impact the delicate fauna and rare species. Coasteering is growing in popularity as a sport, so the sea caves are likely to be visited more frequently in future. At least two commercial dive operators organise dives at Watcombe Sea Caves. The biological communities at risk are highly delicate”. This would appear to be more of a tourism issue and (in particular) a function of the number of dive operators in an area, rather than relating to the number of residents within Brixham.

Nonetheless, it is recognised that Local Plan HRA states ‘There will be additional pressure placed on Lyme Bay and Torbay Marine SAC 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). 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 risk from human activities resulting from the Local Plan therefore considered to be limited to Mackerel Cove to Dartmouth’. This therefore includes the area around Brixham. The Brixham Neighbourhood Plan does not seek to exceed the levels of housing set out for the area in the Torbay Local Plan. As such, this is an issue that is already addressed by that strategic over-arching plan and would not specifically arise from the Neighbourhood Plan’s decision to identify particular sites suitable for housing. Moreover, since this is a strategic issue that is arguably more related to tourism than local population growth there is a limit to the tools available for the Neighbourhood Plan to address any impact. Nonetheless, some recommendations were made in the preliminary HRA, as below.

The HRA of the Local Plan also identifies that 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 although assessments made under the WFD indicate that relevant coastal waters in and adjacent to the SAC boundary are of good quality. Wastewater treatment is a strategic issue that is already addressed by the Torbay Local Plan and its HRA, and ensuring that measures are incorporated into development proposals to comply with pollution legislation is a role for Torbay Council’s planning application approval process. Following recommendations, including from Natural England, that text to be included in the Neighbourhood Plan to make it clear that measures to avoid pollution should be included in all developments Policy E8 was revised to include such provision.