

22nd December 2016
15230_T_161222_Reg 13 EIA Scoping Opinion

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Team Leader, Development Management
Torbay Council
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By email only to helen.addison@torbay.gov.uk and planning@torbay.gov.uk

Dear Helen,

Request for Scoping Opinion in accordance with Regulation 13 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in respect of Land South of White Rock, Brixham Road, Paignton

Stride Treglown is acting on behalf of Abacus/Deeley Freed Estates in respect of the potential development of land south of White Rock, Brixham Road, Paignton for housing and small scale B1 office employment provision.

Regulation 13 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as the 'EIA regulations') makes provision for a person who is minded to make an Environmental Impact Assessment (EIA) application to ask the relevant planning authority to state in writing their opinion (a "scoping opinion") as to the information to be provided in the Environmental Statement (ES) which would be submitted in support of a subsequent planning application.

The proposed development at land south of White Rock is likely to be of a level which would exceed the EIA thresholds and as such it could be considered as EIA development. On this basis we have decided to proceed directly to the EIA scoping stage rather than seeking the Council's direction that the proposals are EIA development. Therefore, in accordance with Regulation 13(2) of the EIA regulations, this letter provides:

- A plan sufficient to identify the land (Appendix 1);
- A description of the nature and purpose of the development (below); and,
- An overview of the possible effects of development on the environment (below).

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The Local Plan Context

The Torbay Local Plan (A Landscape for Success: The Plan for Torbay 2012 to 20130 and beyond) (hereafter referred to as ‘the Plan’) was adopted in December 2015. The Plan establishes a jobs and housing led growth strategy and includes a number of Strategic Delivery Areas and Future Growth Areas to accommodate development.

During the preparation of the draft Plan, Stride Treglown were involved in the promotion of land south of White Rock as a Future Growth Area. The intent behind the land promotion exercise was to build on the success of the consented scheme at White Rock¹ and to support the Council in the delivery of residential development in a strategic, sustainable and coherent manner, whilst also facilitating improved public access to the countryside.

During the public examination in November 2014 it was identified that there was a likely need to increase the overall housing numbers as set out in the draft Plan. To facilitate this, the Council published proposed Main Modifications (February 2015) which had the effect of identifying the land as an additional Future Growth Area (FGA). This proposed allocation was subject to public consultation as part of the examination process. In response, objections were received from Natural England, amongst others, in relation to the potential impact on Greater Horseshoe Bats associated with the Special Area of Conservation at Berry Head together with the potential for landscape and visual impacts.

As a result of the nature of the concerns, the Council took the decision not to proceed with the allocation and consulted on withdrawing the proposed Main Modifications, the effect of which was to return to the previously identified lower level of housing.

Whilst accepting the Council’s to decision to withdraw the Main Modifications, in making his final recommendation on the soundness of the Plan, the Inspector responsible for the public examination noted in respect of the removal of the previously proposed allocation as a FGA that:

*“if the necessary work is undertaken and shows that from an environmental point of view the site is developable, there is nothing to stop the Council from carrying out a partial review of the Plan as soon as it has the necessary evidence. This course of action would enable sensible medium term planning to be undertaken in a timely fashion not least because in 12 months the Council should be much better informed about the likely medium and long term housing supply position”.*²

Therefore, whilst the adopted Local Plan does not allocate the site for development, there is a clear indication that there is significant potential, subject to consideration of the environmental capacity. On this basis, this EIA Scoping Opinion Request seeks to establish the scope of an Environmental Impact

¹ Outline planning permission granted (ref P/2011/0197), following the completion of a section 2016 agreement, in April 2013 for 350 dwellings, c. 36,000m² employment space, a local centre and associated infrastructure including landscaping (on and off site)

² Inspectors Report on the Examination into the Torbay Local Plan, paragraph 62

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Assessment, suitable to address the concerns of Natural England (amongst others), to meet the Inspectors requirements and to underpin a future planning application.

The Site

The site is located west of the Goodrington area of Paignton and north west of the village of Galmpton. It falls wholly within the Torbay Council unitary authority area and the Churston-with-Galmpton ward.

The eastern boundary of the site is formed by the A3022 Brixham Road which provides access to Brixham to the south and Tweenaways Cross to the north from where access can be gained to Collaton St Mary, Totness and Torquay. The closest residential development consists of residential dwellings located to the east of Brixham Road and two cottages on the western side, accessed directly from Brixham Road. There are no buildings on the site.

The site measures approximately 28ha. It is currently in agricultural use and used as cattle grazed pasture. It is subdivided into a number of individual fields, bounded by hedgerows. A woodland copse is located on the south west edge, albeit falling outside of the site boundary.

The topography of the site is gently sloping, broadly from high points on the north and eastern boundary towards the south west corner. A ridgeline runs in a north-south direction across an area to the east of the site.

A Site Location Plan is included in Appendix 1 and a Topographical Plan in Appendix 2.

The Proposed Development

As noted above, a land promotion exercise was undertaken in advance and in support of the Local Plan preparation and examination process. This land promotion work was informed by a series of initial technical and baseline assessment exercises which were drawn upon to prepare an indicative masterplan. In general terms the plan proposed a residential led development with a small amount of employment floorspace.

Since the promotion of the site through the Plan making process, work has been undertaken to review the previous baseline and to ensure that it is suitable to provide robust justification and support for the proposed development. Critical to this has been a focus on the concerns of Natural England.

Permission for development will be sought via an outline planning application. It is noted that the Inspector's Report on the Plan (see above) raised the prospect of the potential for a very early review of the Plan to be conducted in order to consider allocation of the site for development. Despite this, it is understood following engagement with Officers that the Council will not be pursuing a Local Plan review and therefore the most appropriate route to achieve a planning consent will be via an outline planning application.

However, in spite of this, it is considered that if this were to change the level of technical detail required to support an application will, in reality, also provide sufficient and appropriate environmental information to allow for an early review of the Plan.

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For the purposes of the Council being able to adopt an EIA Scoping Opinion, this request is therefore based on the quantum of development set out below:

- Residential dwellings in a mix of 1, 2, 3, 4 and 5 bedroom units up to a maximum of circa 450 units, to include affordable housing to be secured via a section 106 agreement;
- Approximately 2,500m² of employment floorspace (B1 office use);
- The means of access from the A3022/Brixham Road (exact form of access to be defined following the technical assessment and design process);
- Strategic landscaping suitable to provide mitigation for any landscape impacts arising together with functioning as ecological mitigation; and,
- Public open space (formal and informal), to provide for the needs arising from development and to facilitate the delivery of countryside access as required by the adopted Plan.

The potential impacts that will be considered as part of a future planning application are set out in the next section.

Nature of Possible Environmental Effects on the Environment

The impacts to be assessed, together with the proposed structure of the Environmental Statement, are set out below; details of the proposed assessment methodology for each matter is included within Appendix 3.

Draft Structure of the proposed Environmental Statement (order and numbering subject to change)

1. Non-Technical Summary;
2. Description of the Project;
3. Scoping and Methodology;
4. Ecological Impacts;
5. Landscape and Visual Impacts;
6. Traffic and Transport;
7. Lighting;
8. Cumulative Impacts;
9. Mitigation Overview; and,
10. Conclusions.

In addition to those matters proposed to be considered as part of the EIA, the following technical matters will be considered by way of standalone technical assessments and reports provided in support of the outline planning application:

- Flooding and Drainage;
- Cultural Heritage;
- Arboricultural Impact;

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- Noise; and,
- Ground Conditions.

In the interests of completeness, methodologies for each of these is included within Appendix 3.

Summary

The proposed scope of the EIA set out above, together with the accompanying methodology, reflects our understanding of the site, drawing on substantial experience of working in the area in relation to previous development at White Rock. The scope has been prepared by the technical consultant team appointed to undertake baseline assessment work and is considered to appropriately respond to the proposed development in order to allow a thorough assessment of the potential significant impacts which may arise.

Therefore, in accordance with the timescales set out in the EIA Regulations, we look forward to receipt of your written response in due course. If you have any queries in the interim please do not hesitate to contact us.

Yours faithfully,



Mike Harris MRTPI
Senior Associate Town Planner
For
STRIDE TREGLOWN LIMITED

cc. Andrew Maltby, for Abacus/Deeley Freed Estates

Enc. Site Location Plan (Appendix 1)
Topographical Plan (Appendix 2)

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Appendix 1 – Site Location Plan

Appendix 2 – Topographical Survey

Appendix 3 – Methodology Statements