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Please reply to:
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My Ref: P/2016/1381

Your Ref:

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Date: 16 February 2017

Dear Mr Harris,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 (AS AMENDED). REGULATION 13: SCOPING OPINIONS OF THE LOCAL PLANNING AUTHORITY

RE: PROPOSED DEVELOPMENT AT LAND SOUTH OF WHITEROCK, BRIXHAM ROAD, PAIGNTON

I write further to your letter and attached scoping report received 23rd December 2016 requesting an Environmental Impact Assessment (EIA) scoping opinion for the above proposed development. This letter forms the Authority's 'scoping opinion' under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations, 2011 (as amended).

This opinion has been prepared by Torbay Council within the terms of its duty under the above regulations. The scoping opinion will provide an informed and detailed response to the scoping report that has been provided to Torbay Council ('the Authority') by Stride Treglown on behalf of Abacus/Deeley Freed, dated 22nd December 2016. This opinion has been informed by the consultation comments of the relevant statutory bodies and other external and internal environmental experts.

Notwithstanding attempts to be as comprehensive as possible, as provided by Regulation 13 (9) of the EIA regulations, this opinion shall not preclude the authority from subsequently requiring the applicant to submit further information in connection with the planning application when it is submitted.

Proposed Development:

It is understood that the development is proposed to consist of the following works:

- i) the construction of up to 450 residential units,
- ii) the construction of up to 2,500sqm of B1 office employment space
- iii) a means of access from the A3022/Brixham Road
- iv) strategic landscaping, and
- v) the provision of an area of public open space.

General Comments on Contents of the Environmental Impact Assessment/ Environmental Statement:

In general terms, the Environmental Statement (ES) for the proposed development should cover the environmental assessment of the issues detailed in the submitted scoping report, with amendments/additions as set out within this scoping opinion.

Description of the Development:

The Environmental Statement must include a description of the development; this description should be sufficiently detailed to ensure that the assessment can properly address potentially significant effects. Although it is intended that an outline application will be submitted it will be necessary to append proposed plans to this section and to include (as a minimum) information on the following:

- Use: the use or uses proposed for the development and any distinct development zones within the identified site.
- Amount of development: the amount of development proposed for each use.
- Indicative layout: an indicative layout with separate development zones provided within the site boundary where appropriate.
- Scale parameters: an indication of the upper and lower limits for height, width and length of each building within the site boundary
- Indicative access points: an area or areas which the access point or points to the site will be situated.
- Construction: details of activities
- Phasing: details of development phasing

In light of the environmental sensitivities of the site and its proximity to nationally and internationally important ecological and landscape designations, the details within the proposed development section should also allude to mitigation measures that are proposed to be included within the application.

Alternatives:

The evaluation of alternatives will need to consider options for alternative uses on the site, alternative patterns and forms of development and alternative sites for the proposed development (with reference to allocated Local Plan sites).

The description of alternatives should be concise and focus on an outline of principle alternatives considered and the reasons for selection of the preferred alternative. All of the determining factors relating to choice, including environmental factors should be explained. The evaluation needs to be robust and should include the use of a matrix to assess the relative merits of alternative options for development both on and off the site.

Baseline Environment:

The baseline environment comprises the form and status of the environment prior to initiation of construction. This is considered further in later paragraphs.

Impact Assessment and Mitigation:

The environmental assessment must include the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects of the development during construction and during operation, with any mitigation required and the description of the forecasting methods used to assess the effects on the environment.

A full consideration of the implications of the whole scheme should be included in the Environmental Statement. All supporting infrastructure should be included within the assessment. The Environmental Statement should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the proposal in combination with other projects and activities that are being, have been or will be

carried out. The following types of projects should be included in such an assessment, (subject to available information):

- existing completed projects;
- approved but uncompleted projects;
- ongoing activities;
- plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Non-Technical Summary:

A Non-Technical Summary will be required.

Consultation:

The following agencies / individuals have been consulted on the scope of the EIA. Where applicable the consultation responses from the external consultees are copied as an addendum to this scoping letter:

- Natural England
- Environment Agency
- South Devon AONB Unit
- RSPB
- South West Water
- South Hams District Council
- Landscape Consultant
- Ecological Consultant
- Senior Historic Environment Officer, Torbay Council
- Environmental Health Officers, Torbay Council
- Senior Strategy and Project Officer, Torbay Council (Highway Authority)
- Arboricultural Officer, Torbay Council
- Green Infrastructure Coordinator, Torbay Council

- Service Manager – Engineering, Torbay Council (Lead Local Flood Authority)

The proposed scope that you outline in your report covers the majority of the issues that the Council would require to be included within an Environmental Statement. However, the following clarifies the requirements for each of the relevant sections within the submitted scoping report and where additional matters need to be considered.

Summary of Environmental Factors Identified:

The outline scoping report submitted to the Authority identified the following environmental factors that associated with the proposal:

- Ecological Impacts
- Landscape and Visual Impacts
- Traffic and Transport
- Lighting

In addition it was noted that the following technical matters would be considered by way of standalone technical assessments and reports in support of any future planning application:

- Flooding and Drainage
- Cultural Heritage
- Arboricultural Impact
- Noise
- Ground Conditions

The proposals are agreed however it is considered that the following is also provided in support of any future planning application:

Environmental Statement:

- Agricultural Land and Soils

Technical Reports:

- Energy and Sustainability
- Community and Socio-Economic Impacts
- Air Quality

Ecological Impacts:

The contents of this section are broadly agreed. It is important that the ecology section should address the broad range of biodiversity implications that the scheme will have. The assessment of ecological impacts and the preparation of appropriate mitigation measures must be undertaken based on robust survey results and rigorous analysis and interpretation of results. Working methods and limitations must be clearly explained in accordance with Clauses 6.7 and 6.10 of BS42020:2013. Work to prepare the ecology section of the Environmental Statement should be undertaken in accordance with the 2nd Edition of the South Hams Special Area of Conservation (SAC) Guidance. This is due for publication in Spring 2017 and may only become publically available after work on the Environmental Statement has commenced. However, adequate and early liaison between Authority and the applicant should enable all necessary requirements as set out in the new edition of the guidance to be made clear and available so that work is able to proceed in anticipation of the new guidance being published.

The proposed survey effort is generally supported and confirmation that '*the project proposals will carefully consider retention and enhancement of on-site habitat and the creation/enhancement of off-site habitat (e.g. cattle grazed pasture, hedge planting...*' is welcomed. There should, however, be detailed proposals for habitat retention, mitigation and compensation sufficient that, as a minimum, the proposed development will avoid net loss of existing biodiversity interest and mitigation and compensation measures should be adequate for impacts on all species and implemented in perpetuity. It is also noted that there is no reference to guidance or methodology relating to the Ecological Impact Assessment (EclA). All work to prepare the ecology section of the Environmental Statement should also be undertaken in accordance with published good practice. This should include:

- CIEEM's Guidelines on Ecological Impact Assessment (2016)

- CIEEM's Guidelines in Ecological Report Writing (2015)
- CIEEM's new Guidelines on Preliminary Ecological Appraisals (2017)
- BS42020:2013 Biodiversity – Code of Practice for Planning and Development

It should also be noted that the assessments should consider the cumulative impact of the proposal and other developments proposed in the area on the protected species, species habitats and other ecological features of importance. Of particular importance will be considerations of the impact of the development on the key features of the South Hams Special Area of Conservation and Lyme Bay and Torbay Special Area of Conservation.

The Environmental Statement will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the Local Wildlife Trust, Geoconservation Group or a Local Sites Body established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. The Environmental Statement should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Natural England advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the Environmental Statement. Consideration should also be given to those species and habitats included in the relevant Local Biodiversity Action Plan (BAP).

Natural England has advised that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;

- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain. This site should consider opportunities to incorporate features into the design which are beneficial to wildlife. The Town and Country Planning Association's publication '*Biodiversity By Design*' provides further information on this issue and the publication can be downloaded from <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>

Bats:

As noted within the submitted information, the site is located within the Sustenance Zone for Greater Horseshoe Bats and previous surveys have identified the use of the site by foraging Greater Horseshoe Bats. In light of this a Habitats Regulations Assessment Screening, and potentially a full Appropriate Assessment, will be required to determine whether there are any Likely Significant Effects on the South Hams Special Area of Conservation (SAC). In addition, the potential for increased recreational impacts on the limestone grassland within the SAC will need to be considered as part of the HRA. Within this context the Environmental Statement should include details of how it will address any potential recreational impacts. Adequate information must be provided to demonstrate that there are no 'in combination' effects likely to occur in conjunction with other development within the Berry Head SAC Roost Sustenance Zone.

Adequate information must be submitted to demonstrate that all land proposed for mitigation for greater horseshoe bats will be subject to minimal artificial light spill no greater than 0.5 lux. Lighting is considered further in later paragraphs.

It is important to note that part of the proposed development site is currently covered by the off-site Landscape and Ecological Management Plan (LEMP) secured for the

White Rock Phase 1 development to the north. The LEMP covers a 20 year period and the management prescriptions for this land include:

- new tree/woodland planting in the north.
- new planting of Category 3 (defunct) hedgerows.
- improved management/gapping up of Category 1 (species-rich) and Category 2 (species-poor) hedgerows.
- wildflower mix to be planted alongside all new and managed hedges.

Development of this area will mean that new and managed hedgerows will be closer to sources of light such as roads and housing, reducing their ecological value as corridors for commuting bats and other wildlife. In addition, loss of farmland habitat to development will also decrease foraging habitat for bats and other wildlife. The loss of agricultural land is given further consideration in later paragraphs.

The impact on the existing mitigation land will need to be given careful consideration in the new planning application to ensure that sufficient mitigation/compensation habitat is provided to address the impacts from both White Rock Phase 1 and White Rock Phase 2. The potential cumulative displacement of mitigation measures will be carefully considered as part of the corresponding Habitats Regulations Assessment. There will need to be sufficient confidence at the outline application stage that any proposed ecological mitigation, compensation and enhancement is deliverable. Mitigation proposals for White Rock Phase 2 must be clearly distinct from those measures already required for the delivery of White Rock Phase 1. There should be no 'double counting' where land and/or proposals for Phase 2 are put forward as mitigation for Phase 2. All measures for Phase 2 must be above and beyond those already agreed for Phase 1. A full assessment of the development context in this area will be required in order to evaluate the merits of putting forward an application for this site.

There must be both confidence and certainty that, if properly worked up and implemented, the proposed and agreed mitigation measures will avoid an adverse effect on the integrity of the SAC.

To avoid doubts about the effectiveness of any proposed mitigation included with a planning application, the measures must be incorporated into the proposal so that they are an inseparable part of it and also that they are guaranteed to be delivered.

Adequate information to understand the following should be included:

- What the measure is, and how it would avoid or reduce the effect on the site (taking account of the expected duration of the effects and whether mitigation would continue to work effectively over time);
- How it would be implemented and by whom;
- The degree of confidence in its likely success;
- The timescale of when it would be implemented, maintained and managed;
- How the measure(s) would be secured, monitored and enforced; and, if the measure(s) failed, how the failure would be rectified i.e. what contingencies are also required.

Development likely to have a significant effect on the integrity of the South Hams SAC should provide biodiversity conservation measures that contribute to the overall protection and enhancement of greater horseshoe bat habitat. Such measures should be based upon one or more of the following guiding principles;

- Maintain and enhance connectivity across the landscape
- Avoid loss of foraging areas
- Provide adequate permeability through built development
- Avoid impacts on significant roost sites
- Retain and enhance roosting opportunities across the landscape
- Avoid and minimise impacts on 'other' greater horseshoe roosts
- Avoid development that would create new or worsen existing 'pinch points'
- Avoid the introduction of artificial light into sensitive areas by greater horseshoe bats
- Maintain connectivity of habitats across road and transport developments
- Undertake mitigation at an appropriate time
- Implement early warning and effectiveness monitoring

Cirl Buntings:

The site is within an area where cirl bunting breeding activity has been recorded and is a potential wintering area.

The proposal to update the survey effort in accordance with RSPB guidance (March 2015) is welcomed. It is understood that breeding cirl bunting survey visits were carried out in 2014 and 2015, however in neither year were there a complete set of survey visits undertaken, which is contrary to RSPB guidance. Such guidance recommends 5 visits per breeding or wintering season, it is understood that a complete set of survey visits were planned for 2016 and this is welcomed.

The applicant should include full details of all cirl bunting surveys undertaken and present their results in accordance with the RSPB guidance relevant at the time of those surveys. Updated survey guidance has been issued this week.

RSPB recommends proposals for cirl bunting mitigation and compensation accord with the recommendations in Wildlife and Development Guidance Note: Cirl Buntings (Devon County Council, Teignbridge District Council and RSPB).

As noted above, part of the proposed development site is currently covered by the off-site Landscape and Ecological Management Plan (LEMP) secured for the White Rock Phase 1 development to the north. This will need to be given careful consideration in the new planning application to ensure that sufficient mitigation/compensation habitat is provided to address the impacts from both White Rock Phase 1 and White Rock Phase 2. Mitigation proposals for White Rock Phase 2 must be clearly distinct from those measures already required for the delivery of White Rock Phase 1. For information, RSPB were not satisfied with the outcome for cirl bunting arising from White Rock Phase 1, P/2011/0197. In their view there should have been financial compensation for the loss of two territories from that development as the on-site mitigation proposals were not sufficient.

Dormice, Great Crested Newt, Invertebrate and Reptiles:

The Environmental Statement should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment. The survey results, impact assessments and appropriate accompanying mitigation strategies should be included as part of the

Environmental Statement. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has referred to their adopted standing advice for protected species which includes links to guidance on survey and mitigation for information.

The Environmental Statement should include details on how the proposed development can provide new opportunities for wildlife in addition to adequately mitigating/compensating for impacts on existing biodiversity. For example, there should be measures presented to benefit species associated with urban areas (integral nest boxes in buildings for swifts, house sparrows etc, suitable planting to provide nectar and fruit and shelter, and proposals to enable connectivity between gardens and public access areas sufficient that hedgehogs can travel without impediment), and sustainable urban drainage schemes (SuDS) should include ecological benefits alongside their water management role.

Soil and Agricultural Land Quality:

No reference is made within the submitted scoping report to the impact on soil and agricultural land. Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the National Planning Policy Framework. It is also advised that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the National Planning Policy Framework.

The development of the site could result in a loss of large areas of grade 1 (excellent), 2 (very good) and 3a (good) agricultural land. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The applicant should consider the following issues as part of the Environmental Statement:

- The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - *Agricultural Land Classification: protecting the best and most versatile agricultural land* also contains useful background information.
- If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
- The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the *Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites*.

Landscape and Visual

This section must assess separately the landscape and visual impact of the development, considering specifically the impact on the landscape character of the AONB.

The Environmental Statement should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. The format of assessment, which is identified as to follow the principals set out in the document "*Guidelines for landscape and visual impact assessment, 3rd Edition*" produced by the Landscape Institute, is agreed.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, all new development should consider the character and distinctiveness of the area, with the siting and design of the

proposed development reflecting local design characteristics and, wherever possible, using local materials. The scale of the proposed development needs to respond to the scale of the landscape and the scales of the neighbouring built environment that surrounds the site. The development is likely to be visible from land to the west of the Dart Estuary that lies within the AONB and the scale of the development along the western boundary of the site will need to interplay with the scale of mitigating screening. The Environmental Statement should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area.

Data and Evidence Base:

The level of detail within the baseline report and LVIA figures is welcomed. The LVIA should review and evaluate the relevant content of the following documents:

- South Devon AONB Management Plan 2014-2019, noting the special qualities, distinctive characteristics, policies and objectives;
- The Devon-wide Landscape Character Appraisal- Devon Character Area profile for 'Torbay Hinterland';
- Torbay Landscape Character Appraisal Part 1 and Part 2, noting the very useful description, landscape sensitivity and capacity assessment and management strategy for Area 10 North Galmpton in Part 2.

The location and type of other planned and proposed urban development within the area between the AONB boundary and Torbay's urban edge should also be taken into account in a cumulative landscape and visual impact assessment.

Viewpoints for Assessment:

The scoping report includes a comprehensive review of site visibility within the AONB and this provides a good visual baseline. To adequately assess the likely worst case effects on the AONB the following will be required:

- Existing Viewpoints. The locations noted are acceptable with the exception of the following:
 - Viewpoint 6a: A location further along the trail without the distracting foreground clutter of temporary agricultural machinery detracting from the quality of the view should be chosen.
 - Viewpoint 14: A more open view slightly to the south would be more acceptable to represent the open rural views towards the AONB from this road and adjacent settlement without intervening trees obscuring the view.

- Night Time Viewpoints. The locations noted are acceptable.

- Photomontages. Changes to the quality of views from the AONB should be assessed with reference to existing views compared to photomontages of the type of development proposed, at year 1 and year 10 (the latter to show effectiveness of any proposed planting to mitigate adverse effects in the medium term). The following viewpoints are requested for photomontage:
 - Viewpoint 14: (daytime) To assess how the proposals would affect the attractive views into the AONB experienced by adjacent residents and road users and the degree to which this could be mitigated.
 - Viewpoint 3, 5d, 6a, 7d, 8c: (daytime) To assess how the proposals would affect the attractive rural views taking into account the rural character of the site on the ridge, the urbanising influences of proposed housing and the degree to which this could be mitigated.
 - Viewpoint 3, 7d, 8c: (night time) To assess the degree of light pollution taking into account the inherently dark countryside character of the site, the urbanising influences of proposed housing and the degree to which this could be mitigated.

For the technical aspects of the visual assessment, presentation of photographs and photomontages should follow Landscape Institutes Advice Note 01/11 including identification of horizontal field of view for stitched together panoramas. In addition to panoramas showing existing landscape context, high resolution single frame images should be provided based on a viewing distance of 40cm, for photomontages as well as existing views. It is noted that the exact methodology including lens focal length and camera CCD frame size remains under discussion between the AONB Manager and the applicant's landscape consultants following the perceived image distortions

highlighted during a site visit on the 16th January 2017.

Landscape Character:

Whilst the baseline LVIA data provided has helped to set out the character of the wider area and identified places where the site will be visible, the information does not adequately identify the local character or the area or the historic character of the area. This is considered particularly important and it will help to inform the approach taken to mitigate the impact of any future development. The following information will need to be included within the LVIA:

- An analysis of historic maps, historic records and Devon Historic Landscape Characterisation;
- An analysis of the existing fields and hedgerow character – there would appear to be a number of distinct hedge / field pattern characteristics in the area that suggests land being enclosed at different times;
- An analysis of how the land was watered (pre mains) - there appear to be ponds in the landscape are they for watering or are they the result of quarrying;
- An appraisal of the Brixham Road as a linear landscape feature – how is the proposed design likely to relate to the road?
- An analysis and of the levels data and the correlation of this with hedgerow pattern;
- A catalogue of existing landscape materials, methods and characteristics found in the area.

Overall the landscape and visual impact should be assessed against the existing landscape character and the features which determine the character of the area should be clearly defined in the Environmental Statement. This section needs to include an impacts and mitigation section, with mitigation demonstrable in a number of ways, including the form and size of the footprint of development, the scale, massing, bulk and height of the development, the use of materials, colours and textures, lighting and landscaping strategies and other mitigating strategies. In practice the mitigation required is likely to be in the form of a combination of all of the above and any other tools that can be used to ensure the development does not cause harm to the landscape character of the area.

Lighting:

Lighting assessments and subsequent sensitive lighting design will be required in situations where greater horseshoe bats are known to be present on site (or on adjacent land where they could be affected) and using specific features to roost, commute or forage and existing ambient light levels will increase as a result of new artificial light being introduced as a part of the proposed development. Lighting design should also look to avoid further light pollution in to the night sky especially when viewed from the AONB.

Baseline lighting assessments, as appropriate, should:

- Involve a site visit to identify pre-development light characteristics of the proposed site through the collection of:
 - night time appraisal photographs carried out from suitable vantage points, and;
 - point measurements in sensitive locations.

- Include a desk based assessment, using standard industry software, taking into account all relevant sources of light that may be generated by the proposed development, such as from:
 - Buildings (both internal and external)
 - Highway and street lighting
 - Public amenity areas
 - Car parks and loading areas
 - Sports facilities
 - Construction lighting
 - Security lighting
 - Temporary public outdoor events and festivals
 - Internal building lights
 - Ceiling mounted
 - Wall mounted
 - Lighting from vehicles (e.g. headlights)

- Take into consideration topographical variations in the immediate landscape that may subject to increased or decreased light spill from the proposed development;
- Be specifically cross-referenced with relevant ecological and landscape assessments that may identify key sensitive areas and features that should remain dark e.g. hedgerows, tree lines and water courses that may provide commuting and foraging habitat for bats;
- Establish ambient light in a landscape context (e.g. relevant to 'environmental zones', AONBs, low district brightness (rural village), medium district brightness (suburban) or high district brightness (town or city) in accordance with published good practice,
- Present the findings of the assessment in a written report with accompanying drawings; this may be best done as an integral part of a Lighting Design Strategy.

A suitable lighting design strategy should be produced for the development to ensure that adequate and safe levels of illuminance are provided for amenity and security, in accordance with *CIBSE SLL Code for Lighting* (2012), while at the same time safeguarding dark areas used by greater horseshoe bats. It will often be advantageous to prepare the lighting design strategy in close collaboration with landscaping proposals; indeed, an *Integrated Lighting and Landscape Strategy* may be appropriate where landscape design is likely to contribute significantly to the mitigation of lighting impacts.

To achieve the best overall outcomes capable of comprehensively embedding mitigation into the development proposals, collaborative inter-disciplinary working between relevant professionals is to be encouraged e.g. engineers, architects, landscape architects, ecologists and lighting professionals (see Clause 4.1.3 of BS42020:2013).

Design proposals should:

- Set out clear lighting design objectives for the scheme, identifying:

- where light is needed, for what purpose and the levels of light required;
 - areas that should remain dark and unlit;
 - areas of any potential conflict between the above.
- Provide a lamp and/or luminaire schedule and specification for installation, with a clear justification for the lighting equipment chosen and its positioning, with reference to:
 - Lamps and luminaires and associated back shields, baffles and cowls etc.;
 - Lighting controls, including PIRs and Dimmers.
 - Ensure that light modelling calculations are always based on a maintenance factor of 1 to represent a worst case scenario;
 - Provide details of required post installation-maintenance;
 - Summarise relevant local and national standards and guidance in terms of light pollution and minimum levels of illumination required for the proposed development. Proposals should also address the need to reduce energy usage whilst maintaining a high quality of illumination for the site, by recommending energy efficient luminaires combined with efficient lighting controls.

It will be a requirement of planning approval (e.g. secured by condition) that the make and model of luminaires, lamps and back shields used to calculate light spill will be actually installed on site. This is to avoid any risk of a difference in predicted light levels submitted as part of the design from that which is finally implemented as part of the development.

In undertaking the assessment and preparing the lighting report, the following should be noted:

- Drawings should be produced as scaled CAD plans of the site with sufficient detail to show key features (e.g. existing and proposed buildings and

surrounding vegetation such as trees and hedges, with the scale shown clearly);

- Levels of illuminance resulting from external (and where appropriate internal) lighting should be overlaid on to the CAD drawing and – as a minimum - should be shown by isolines and, unless otherwise agreed, these should include: 0.5 lux, 1 lux, 3 lux, 5 lux, 15 lux , and 20 lux;
- Levels of illuminance should be provided for both the horizontal and vertical planes, with the position of the latter shown clearly by way of transects/cross-sections on the CAD drawing;
- The position of measurements in the vertical plane should be provided for the four points of the compass at specified distances from the light source OR, if more appropriate, correspond with the alignment of features that may be particularly sensitive to increased levels of light e.g. along existing hedgerows and tree lines or along the edge of proposed buffers and bat flight corridors that are to be provided as a part of new development;
- Results for the vertical plane should either be shown, as a minimum, for 1m, 3m and 5m above ground level (where the first two measurements correspond with the normal height of flying greater horseshoe bats and where 5m corresponds with the height of any nearby tree canopy) OR preferably on a 0.5m grid up to 5m.
- The types of lamps or luminaires and back shields etc. used in the light modelling calculations should be clearly specified.

The information above should be provided in the form of a written report with accompanying drawings. The report should summarise the scope, assessment methodology, the proposed lighting scheme and explain the results and conclusions with reference to the drawings provided. The results should be presented in the format described above. A full calculation summary outputted from the lighting software should be provided as an Annex to the report for verification purposes only.

Traffic and Transport

The submitted scoping report indicates that impacts on severance, driver delay, pedestrian delay, pedestrian amenity and fear and intimidation will be assessed in terms of sensitivity, magnitude and significance. This approach is broadly agreed. The application will need to be supported by a full Transport Assessment and this will form the predominant element of the transport section. A Travel Plan separate to the Environmental Statement will also be required. It will be necessary to demonstrate that there will not be any unacceptable impact on the local highway network. Reference should be made to the Devon and Torbay Local Transport Plan 2011-2026 and this section should indicate the impact of the development in transport terms along with proposals for walking, cycling and public transport in order to demonstrate mitigation for traffic impact. The Transport Assessment should consider:

- Vehicular traffic generation and impact on White Rock and Windy Corner Junctions and wider capacity on the western Corridor. It should assess traffic levels on current levels, which appear to have increased by about 15% since December 2015 with the opening of the South Devon Highway. It is noted that Kings Ash Road will be closed between February- April 2017 which would affect survey work carried out in this period.
- Impact of the development on sustainable transport opportunities, particularly for White Rock School, but also more widely in the vicinity.
- Traffic noise generated by additional traffic and vehicles accelerating away from the junction. It should also be noted that the Highway Authority will require existing highway noise readings and a bond to be paid to insure the Council against potential future claims.
- Both the Authority and the applicants are keen to ensure that an online solution for Brixham Road can be achieved, as this will be less expensive and less intrusive into the landscape and mitigation secured via Landscape and Ecological Management Plan. However the Environmental Statement should consider the options that realign Brixham Road, even if to eliminate them.

Noise:

The contents are broadly agreed. It is however noted that this area is particularly quiet at night. Any proposed commercial development would need to consider this in order to avoid the operation of this development affecting the proposed and existing residential accommodation in the locality. The methodology for considering noise limits for commercial and industrial activities in accordance with British Standard 4142:2014 is agreed. Whilst noted that noise levels may fall below the threshold where British Standard 4142:2014 is useful, a view of whether complaints are likely can be gained by considering the internal noise level at the proposed residential development where levels fall below the threshold of British Standard 4142:2014.

The tranquil nature of the area should be preserved and employment uses, hours of operation and deliveries should be chosen carefully to reflect this.

Flooding and Drainage:

The content is broadly agreed. The development site lies within Flood Zone 1 and the Torbay Critical Drainage Area. A detailed site specific flood risk assessment will be required and surface water drainage must comply with the requirements of the Torbay Critical Drainage Area and the Torbay Council Sustainable Urban Drainage Design Guide.

South West Water has been consulted on the submitted scoping report. They have not offered any comment on the content of the submitted report. South West Water are not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding. Any future application will need to include an Infrastructure Assessment (incorporating foul sewerage and utilities) to identify and consider constraints in existing capacity.

Cultural Heritage and Archaeology:

The content of the scoping report is broadly agreed.

Trees:

The content of the scoping report is broadly agreed. A desktop study of the arboricultural constraints posed by the trees, hedgerows and woodlands within and immediately adjacent to the red line of the scoping assessment boundary plan has been carried out by the Authority's Arboricultural Officer. For initial data collection purposes, the methodology proposed is agreed. However please note that an Arboricultural Impact Assessment will be required and this will need to be laid over the initial proposed site layout for clarity of constraint analysis.

It is noted within the methodology that trees will be assessed within the context of the proposed development. In light of the sensitivity of the site, it is recommended that it is noted that the layout be landscape led, integrating and enhancing those arboricultural features of merit as key design elements to be retained and built upon.

The red line site boundary encompasses Brixham Road and a series of linear tree belts. These are significant visual arboricultural features with extensive associated ecological benefits as well as screening, noise dampening, pollution filtration attributes. The arboricultural work should pay particular attention to these tree groups, recognising them as constraining arboricultural features to any road development proposals.

Detailed consideration should be given to the relationship between key arboricultural features and their contributory role to the South Hams Special Area of Conservation. Opportunities for strategic woodland planting should be considered and detailed within the Environmental Statement, and should cohesively tie in with any advanced planting undertaken in terms of location, species, management and purpose.

Ground Conditions/Contamination

No information has been submitted with regard to the methodologies relating to ground conditions. A desk top contaminated land survey will be required due to the size of the development.

Part of the site is located within the Mineral Safeguarding Area and therefore any future application will also need to include a Mineral Resource Impact Assessment.

Air Quality:

An Air Quality Assessment will be required due to the size of the development and the proximity of the site to Tweenways Junction which is a busy junction and currently under the Air Quality Objective. There is a concern that the additional vehicle movements associated with the development could cause a concern.

The Assessment should also take account of the risks of air pollution on different habitats and designated sites and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

Energy, Climate Change and Sustainability

No information has been submitted with regard to the methodology with regard to energy and sustainability. An Energy Statement should be submitted as part of any future application which should explain the passive and active measures that have been adopted within the development proposals to enhance the sustainability of the scheme, with particular focus on measures to reduce greenhouse gas emissions and minimise impact on climate change.

Any future application will need to include a Waste Audit and 5 Year Waste Management Plan due to the scale of the development which is likely to generate significant volumes of waste during the construction and operation of the development. The Audit should be proportionate to the scale of the proposal, number of visitors and likely waste generation. Policy W2 of the Torbay Local Plan 2012-2030 provides further guidance on this.

Community and Socio-Economics:

No methodologies have been submitted in relation to how the development will impact the community, socially and economically.

Any future application should include a Health Impact Assessment Screening and where necessary a Health Impact Assessment. Guidance on how health and wellbeing should be considered in planning decision making including the impact of development proposals on health infrastructure and/or the demand for healthcare services is available on the Planning Practice Guidance website. The Department of Health has also published 'Health Impact Assessment Tools – Simple tools for recording the results of the Health Impact Assessment (DfH, 2010).

Any future application should also include an Employment Statement/Economic Impact Assessment proportionate to the scale and nature of the proposed development. .

Conclusion:

This letter forms the Authority's opinion as to the required scope of the Environmental Statement in this case and does not provide an opinion as to the planning merits of the proposed development, the details of which are not yet sufficiently clear to offer such an opinion. The opinion takes into account the specific characteristics of the particular development, the specific characters of the development type concerned and the environmental features likely to be affected by the development. Please note however, that the provision of this scoping opinion by the Authority does not preclude the authority from seeking further relevant environmental information once an Environmental Statement in support of the planning application has been received.

Please note that the technical reports referred within the opinion do not constitute a list of validation requirements for any future planning application. Please refer to the Authority's 'Local List for Validating Planning Applications' for the Authorities validation requirements.

I trust that this information is of assistance to you and should you wish to discuss the contents of this scoping opinion please do not hesitate to contact me.

Yours Sincerely

Carly Perkins
Case Officer

Appendix 1: Natural England Consultation Response

Appendix 2: Environment Agency Consultation Response

Appendix 3: South Devon AONB Unit Consultation Response

From: Roger English [<mailto:roger.english@southdevonaonb.org.uk>]
Sent: 12 February 2017 16:47
To: Perkins, Carly
Subject: RE: Whiterock 2 Scoping Opinion

Hi Carly

Please see details below of our Scoping Opinion response to Land South of Whiterock / Whiterock 2:

There is a significant risk that the proposal on this local plan exception site to establish housing across the site would harm rather than conserve and enhance the natural beauty and special qualities of the South Devon AONB. This is a likely significant effect on the environment and therefore needs to be identified, described and evaluated by the EIA.

The approach to considering harm to an AONB needs to be one which addresses explicitly and separately the effects on an AONB, as something to be taken into account over and above the impacts on landscape generally. This goes beyond landscape and visual impact assessment, and consideration of human only receptors. Harm to the AONB should be considered discretely and be related to Natural England's 'natural beauty criterion' and 'sub-factors' of landscape quality and scenic quality in recognition that landscape and scenic beauty are to be given great weight as required by paragraph 115 of the NPPF and Torbay Local Plan Policy SS8 Natural Environment. South Devon AONBs special qualities and distinctive characteristics identified in the 2014-19 AONB Management Plan will assist with providing a starting point for this analysis.

Our main concerns relate to:

- The considerable geographical extent of visual influence on the AONB including sections of the Dart Valley Trail, footpaths around Dittisham, and quiet rural lanes used by walkers, cyclists and horseriders enjoying the AONB's scenic views and rural character and tranquillity.
- The effects on the quality of views experienced from the AONB including the likely increased light pollution and other urbanising influences affecting the perception that the AONB offers rural tranquillity and dark skies being surrounded by sparsely settled and intrinsically rural countryside between Torbay and the AONB. There is a risk that housing at the site would result in urban intrusion into sensitive rural views, with the greatest effects arising where there are picturesque views across the Dart Valley from lower elevations where existing urban areas do not exert a visual influence
- The contribution the site makes to the rural setting of the AONB, and its role in providing clear distinction between settlements. The character of the area within which the site is located is typically thinly populated rolling farmland with a characteristic settlement pattern of nucleated hamlets dispersed throughout the area. This provides a rural setting for the AONB.

- The risk of cumulative landscape and visual effects of the proposals together with other planned and proposed development within the landscape study area that could add significantly to the urbanising influences on this part of the AONB.
- The limited capacity to accommodate development whilst conserving landscape and scenic beauty of the AONB, taking the above into account along with the visually exposed topographic position of the site relative to the AONB and the scope to mitigate effects to acceptable levels.

Nicholas Pearson Associates Ltd Baseline report and graphics submitted

We have reviewed the Baseline report and LVIA figures submitted by NPA and are encouraged by the professional approach and level of detail being considered for the LVIA baseline. We have the following observations:

Data and Evidence base

It is appropriate for the LVIA to review and evaluate relevant content of the following:

- South Devon AONB Management Plan 2014-2019, noting the special qualities, distinctive characteristics, policies and objectives;
- The Devon-wide LCA- Devon Character Area profile for 'Torbay Hinterland';
- Torbay LCA Part 1 and Part 2, noting the very useful description, landscape sensitivity and capacity assessment and management strategy for Area 10 North Galmpton in Part 2.

The location and type of other planned and proposed urban development within the area between the AONB boundary and Torbay's urban edge, should also be taken into account in a cumulative landscape and visual assessment.

Viewpoints for assessment

There is a comprehensive review of site visibility within the AONB and this provides a good visual baseline. To adequately assess likely worst case effects on the AONB we would request the following:

1. Existing viewpoints

Locations are acceptable apart from the following:

- **Viewpoint 6a:** A location further along the trail without the distracting foreground clutter of temporary agricultural machinery detracting from the quality of the view
- **Viewpoint 14** A more open view slightly to the south would be more acceptable to represent the open rural views towards the AONB from this road and adjacent settlement without intervening trees obscuring the view.

2. Night time views

[Locations are acceptable] amended by email 13.02.2017

3. Photomontages

Changes to the quality of views from the AONB should be assessed with reference to existing views compared to photomontages of the type of development proposed, at year 1 and year 10 (the latter to show effectiveness of any proposed planting to mitigate adverse effects in the medium term). The following viewpoints are requested for photomontage:

- **Viewpoint 14** – daytime- - to assess how the proposals would affect the attractive views into the AONB experienced by adjacent residents and road users and the degree to which this could be mitigated.
- **Viewpoint 3, 5d, 6a, 7d, 8c** – daytime - to assess how the proposals would affect the attractive rural views taking into account the rural character of the site on the ridge, the urbanising influences of proposed housing and the degree to which this could be mitigated.
- **Viewpoint 3, 7d, 8c – night time** - to assess the degree of light pollution taking into account the inherently dark countryside character of the site, the urbanising influences of proposed housing and the degree to which this could be mitigated.

For the technical aspects of the visual assessment, presentation of photographs and photomontages should follow **LI Advice Note 01/11** including identification of horizontal field of view for stitched together panoramas. We request that as well as panoramas showing existing landscape context, high resolution single frame images are provided based on a viewing distance of 40cm, for photomontages as well as existing views. We urge Torbay to base any judgements on visual impacts on a visit to the viewpoints rather than relying solely on the images. Our own conclusion from visiting the viewpoints with NPA highlighted such limitations, along with the tendency for images to present the landscape at a smaller scale than experienced in reality. The exact methodology including lens focal length and camera CCD frame size remains under discussion, following the perceived image distortions highlighted during our 'landscape' site visit on the 16th January 2017.

We note that Natural England's response dated 19 January defers to comments made by Torbay's GI officer but we urge Torbay to take up NE's offer to provide further detailed specialist advice on the likely effects on the AONB given the seriousness of our concerns, NE's role as statutory consultee for planning matters affecting AONBs and NE's strong position on the inclusion of this site within the original site allocations for the Torbay Local Plan.'

Roger English | AONB Manager
South Devon Area of Outstanding Natural Beauty
Follaton House, Plymouth Road, Totnes, Devon, TQ9 5NE
Office: 01803 861435 Mobile: 07935 395301
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Appendix 4: RSPB Consultation Response

Appendix 5: South West Water Consultation Response

From: Developer Services Planning
[<mailto:DeveloperServicesPlanning@southwestwater.co.uk>]
Sent: 09 January 2017 12:54
To: Planning
Subject: RE: Planning consultation request P/2016/1381 scoping opinion White Rock, Brixham Road, Paignton

I refer to the above and would advise that whilst we have no comment on the need for EIA itself should planning permission be sought and as South West Water are not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding, the following conditions would need to be imposed;

Foul Drainage

No development shall commence until:

- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary). No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

Martyn Dunn Development Coordinator



D: 01392 443702

Peninsula House, Rydon Lane, Exeter, EX2 7HR
www.southwestwater.co.uk

Appendix 6: Landscape Consultant Consultation Response

From: Paul Bryan [mailto:paul.bryan@Teignbridge.gov.uk]
Sent: 06 January 2017 16:16
To: Perkins, Carly
Cc: 'Jane S Thomas'
Subject: White Rock II Pre app 5/01/2017

Dear Carly,

White Rock II Pre app 5/01/2017

Please see my comments, most of which I voiced at the meeting, outlined below. I hope they will also double as a response to the screening request.

I have copied to Jane Thomas as the comments mostly relate to her work, however I have left wider circulation to your discretion, especially as I am not sure I have all email addresses and I do not want to burden those who are not interested in landscape with unnecessary mail.

LVIA/baseline data/Scoping Requirements

The Draft LVIA appears to have been carried out thoroughly and is useful at setting out the character of the wider area and identifying places (in particular places where there are likely to be sensitive receptors) from which the site is visible. It also usefully shows evidence of the existing light emitted from the area around the site.

In terms of landscape character, I don't think that it the information adequately identifies the **more local character** of the area or shows the **historic landscape character** and think that more work is needed in this area. This is important because it will help to inform the character of the proposed development; the way vegetation is used, where it is placed and what it consists of. I think we need to know if the land is part of a former estate (of which there are many in the area) or whether it was outside, possibly unenclosed. I think it is of particular importance because I foresee that the approach taken to mitigate the development – most likely to be blocks of woodland planting - will likely be informed by understanding the justification for the existing woodland blocks that we see in the landscape. It would be good to understand why these woodland blocks are there, are they:

- remnants of larger woods following clearance;
- planted copses for visual amenity / hunting or
- and pieces of land recolonised following mineral extraction stone clay?

The following will be required:

- an analysis of historic map date/ historic records/ Devon Historic Landscape Characterisation;
- analysis of the existing fields and hedgerow character – there would appear to be a number of distinct hedge / field pattern characteristics

in the area that suggests land being enclosed at different times – I wonder if the site lies within an area that could be relatively late enclosure;

- analysis of how the land was watered (pre mains) - there appear to be ponds in the landscape are they for watering or are they the result of quarrying;
- appraisal of the Brixham Road as a linear landscape feature – how is the proposed design likely to relate to the road?
- analysis and of the levels data and the correlation of this with hedgerow pattern;
- catalogue of existing landscape materials / methods / characteristics found in the area.

[In terms of visual amenity, further comments are expected from Paul Bryan following the site meeting on the 16th January 2017] n

Design:

- Please could the design evolve in an iterative way, responding to the site. I am concerned that at different stages the design team may change. It is essential that the site assessment and analysis inform the design.
- Scale - the scale of the proposed development needs to respond to the scale of the landscape and the scales of the neighbouring built environment that surrounds the site. I would hope that there is not an assumption to only develop the site for two storey detached and semi-detached property. The development is likely to be visible from land west of the dart estuary that lies within South Devon AONB and the scale of development along the western boundary of the site will need to interplay with the scale of mitigating screening.
- Lighting - further pollution of the night sky , particularly when seen from South Devon AONB should be avoided.

I hope this is of help,

Kind regards,

Paul

Paul Bryan
Landscape Officer,
Design and Heritage
Teignbridge District Council
01626 215730

paul.bryan@teignbridge.gov.uk
www.teignbridge.gov.uk/planning

Appendix 7: Ecological Consultant Consultation Response

Appendix 8: Senior Historic Environment Officer, Torbay Council Consultation

Response

From: Bishop, Hal
Sent: 16 January 2017 16:51
To: Perkins, Carly
Subject: 16-1381 - White Rock South

I was contacted by the developer's archaeological contractors, Archaedia, who have been commissioned to do a desk-top assessment. The area immediately to the north, called Long Road South, has been thoroughly looked at over the years, though the earliest assessment included the White Rock South area also. EMAFU (Exeter Museum's Archaeological Field Unit) wide-ranging assessment of 1996 (EA project 2940) was updated by Exeter Archaeology's assessment A Proposed Business Park at Long Road South, Torbay (EA Project 5191) of September 2004, which just concentrated on the northern area. This identified real potential which was followed by field evaluation: first a Stratascan Geophysical survey of September 2007, then followed by field evaluation An Evaluation On Land at White Rock, Long Road South, Torbay (EA Report 7.82) October 2007. I expect Archaedia's assessment to recommend evaluation, as was the case to the north; and more recently on both parts of Wall Park.

Hal Bishop BA MA Cert Ecol & Con IHBC MCIfA
Senior Historic Environment Officer
Conservation
Electric House, Town Hall
Castle Circus, Torquay TQ1 3DR
01803-207788

Appendix 9: Environmental Health Officers, Torbay Council Consultation

Response

From: Fudge, Gareth
Sent: 10 January 2017 11:37
To: Perkins, Carly
Subject: Land South Of White Rock, Brixham Road, Paignton, Devon

Request for EIA Scoping Opinion in accordance with Regulation 13 for a maximum 450 dwelling houses, approximately 2,500sqm of employment space, access via Brixham Road, strategic landscaping and public open space

Further to your memo requesting opinion in respect of the above proposals.

I cannot offer specific comment in respect of the proposals, but do note that this area becomes particularly quiet at night. Any proposed commercial development would need to consider this in order to avoid it affecting the proposed residential accommodation. In normal circumstances, one would consider the use of BS4142:2014 to make that assessment, however, in this case, noise levels may well drop below the threshold where BS 4142:2014 is useful. However, I have found that one can gain a view of whether complaints are likely by considering the internal noise level at the proposed residential development where levels fall under the threshold of BS4142 :2014. Given the tranquil nature of the area, apart from the road during daytime hours, it would be worth trying to preserve this and to choose the employment uses, hours of deliveries to those new employment spaces carefully. etc carefully to reflect this.

I hope this is of assistance.

Gareth Fudge
Senior Environmental Health Officer
Neighbourhoods Team
Community Protection
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Tel 01803 208025

From: Griffiths, Katharine
Sent: 25 January 2017 10:54
To: Perkins, Carly
Subject: RE: Land South Of White Rock, Brixham Road, Paignton, Devon

I would advise that a contaminated land survey is carried out, due to the size of the development and also an air quality assessment due to the developments size and proximity to Tweenaways which is a busy junction and currently under the air quality objective. There is a concern that the additional vehicle movements associated with the development could raise an issue.

Appendix 10: Senior Strategy and Project Officer, Torbay Council (Highway Authority) Consultation Response

From: Pickhaver, David
Sent: 03 February 2017 10:52
To: Perkins, Carly
Cc: Luscombe, Adam
Subject: RE: P/2016/1381 Scoping Opinion White Rock 2 Land south of White Rock Paignton

I agree with stride Treglown's assessment that the site in question was promoted to the Local Plan Examination, but could not legally be included as a Future Growth Area in the Plan because the necessary HRA surveys, over the required period of time, could not be carried out. Therefore the site was not included for legal reasons rather than because of intrinsic planning merit. Whilst the Inspector did not comment directly on the area's merits, he clearly did not rule the site coming forward in the Future. However the development will potentially affect the nearby AONB landscape and Greater Horseshoe Bat sustenance zone. On this basis I consider that it is prudent to proceed to an EIA scoping opinion, rather than an EIA screening.

Ashwag has commented on the broader EIA aspects of the Scoping Report, and this email refers primarily to transport impacts.

The Scoping Request indicates that impacts on:

- Severance
- Driver delay
- Pedestrian delay
- Pedestrian amenity
- Fear and intimidation

will be assessed in terms of sensitivity, magnitude and significance.

This approach seems to be reasonable. The application will need to be supported by a Transport Assessment, and it is likely that any permission will require a Travel Plan. There will be an element of overlap between the EIA and the Transport Assessment, however it should consider:

- Vehicular traffic generation and impact on White Rock and Windy Corner Junctions and wider capacity on the western Corridor. It should assess traffic levels on current levels, which appear to have increased by about 15% since December 2015 with the opening of the South Devon Highway. It is noted that Kings Ash Road will be closed between February- April 2017 which would affect survey work carried out in this period.
- Impact of the development on sustainable transport opportunities, particularly for White Rock School, but also more widely in the vicinity.
- Traffic noise generated by additional traffic and vehicles accelerating away from the junction. Note that Highways will require existing highway noise readings and a bond to be paid to insure the Council against potential future claims.

Both the Council and the applicants are keen to ensure that an online solution for Brixham Road can be achieved, as this will be less expensive and less intrusive into the landscape/LEMP. However the EIA should consider the options that realign Brixham Road, even if to eliminate them.

David Pickhaver
Senior Strategy and Project Officer
Strategic Planning
Spatial Planning
Torbay Council
Postal address: Electric House, Castle Circus ,Torquay,TQ1 3DR
Tel: 01803 208814
Fax: 01803 208882
E mail: David.Pickhaver@torbay.gov.uk
Web site: www.torbay.gov.uk/newlocalplan

Appendix 11: Arboricultural Officer, Torbay Council Consultation Response

From: Marshall, Lee

Sent: 11 January 2017 15:14

To: Perkins, Carly

Cc: Huggins, Alexis

Subject: RE: P/2016/1381 - Request for EIA Scoping Opinion, Land South Of White Rock, Brixham Road

Hi Carly,

With reference to the EIA scoping request I have the following comments –

1. I have undertaken a desktop study of the arboricultural constraints posed by the trees, hedgerows and woodlands within and immediately adjacent to the red line of the scoping assessment boundary plan. For initial data collection purposes the methodology proposed on P39 of the EIA Methodology is acceptable. Attention is drawn to a requirement for the arboricultural impact assessment to be overlain on the initial proposed site layout for clarity of constraint analysis.
2. It is noted within the methodology statement that trees will be assessed within the context of the proposed development, I would consider it be more suitable given site sensitivity that the statement notes the layout be landscape led, integrating and enhancing those arboricultural features of merit as key design elements to be retained and built upon.
3. The red line site boundary encompasses Brixham Road and a series of linear tree belts. These are significant visual arboricultural features with extensive associated ecological benefits as well as screening, noise dampening, pollution filtration attributes. The EIA arboricultural study work should pay particular attention to these tree groups, recognising them as constraining arboricultural features to any road development proposals.
4. Detailed consideration should be given to the relationship between key arboricultural features and their contributory role to the SAC.
5. Opportunities for strategic woodland planting as with White Rock Stage 1 should be found and detailed within the EIA, and should cohesively tie in with any advanced planting undertaken in terms of location, species, management and purpose.

Kind Regards

Lee Marshall

Arboricultural Officer

Torbay Council, Natural Environment Services

Lower Ground Floor, Town Hall, Torquay, Devon TQ1 3DR

Tel (01803) 207796

Fax (01803) 207639

Email: lee.marshall@torbay.gov.uk

Appendix 12: Green Infrastructure Coordinator, Torbay Council Consultation

Response

From: Huggins, Alexis

Sent: 09 January 2017 16:41

To: Perkins, Carly

Cc: 'Sclater, Julien R (NE)'; MICHAEL OXFORD; Jessop, Helene; Marshall, Lee

Subject: P/2016/1381 - Request for EIA Scoping Opinion, Land South Of White Rock, Brixham Road

Dear Carly,

I have reviewed the EIA Scoping Report and have the following comments:

Ecological Impacts

The key consultees in respect of Ecology are Natural England, RSPB and the Council's HRA Adviser, Mike Oxford, and they will be able to provide detailed comments regarding the level of information required in the EclA. I have the following general comments:

1. The fact that "the project proposals will carefully consider retention and enhancement of on-site habitat and the creation/enhancement of off-site habitat (e.g. cattle grazed pasture, hedge planting" is welcomed and the proposed survey effort identified in the EIA Scoping Report is supported.
2. Although the guidance to be followed in respect of specific Phase 2 surveys is provided within the EIA Scoping Report, there is no mention of guidance and methodology relating to the EclA. The EclA should be undertaken in accordance with the CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition, January 2016.
3. It is noted that the site is within the sustenance zone for Greater Horseshoe Bats (GHB) and previous surveys have identified the use of the site by foraging GHB. Accordingly a Habitats Regulations Assessment Screening Assessment, and potentially a full Appropriate Assessment, will be required to determine whether there are any Likely Significant Effects on the SAC. As well as impacts on GHB associated with the South Hams SAC, the potential for increased recreational impacts on the limestone grassland within the SAC due to increased visitors will need to be considered as part of the HRA. Mitigation for recreational impacts resulting from developments identified within the Adopted Torbay Local Plan will be covered (and funded) funded via CIL, with CIL likely to be charged on development granted planning permission after 1st April 2017. However, where development falls outside of allocated sites within the Adopted Torbay Local Plan (as in this case), and thus impacts were not accounted for in the CIL mitigation calculations, a s106 contribution towards specific mitigation measures may be required where this is identified through the HRA. This will be confirmed in due course.
4. It is recommended that early discussion of survey results and any proposals for ecological mitigation, compensation and enhancement is undertaken with

Natural England, RSPB and the Council's HRA Adviser, Mike Oxford to ensure that they are happy with proposals and that adequate information is submitted with the planning application. Early consultation and agreement will help to avoid unnecessary delays in determination of the application. Attention is drawn to the following guidance in respect of GHB and Cirl Buntings respectively:

- a. South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance, Natural England 2010 (and emerging new guidance).
 - b. Draft Wildlife and Development Guidance Note: Cirl Buntings, RSPB, Devon County Council and Teignbridge District Council, June 2016 (final version in production).
5. It is important to note that part of the proposed development site is currently covered by the off-site Landscape and Ecological Management Plan (LEMP) secured for the White Rock Phase 1 development to the north. The LEMP covers a 20 year period and the management prescriptions for this land include:
- a. new tree/woodland planting in the north.
 - b. new planting of Category 3 (defunct) hedgerows.
 - c. improved management/gapping up of Category 1 (species-rich) and Category 2 (species-poor) hedgerows.
 - d. wildflower mix to be planted alongside all new and managed hedges.

Development of this area will mean that new and managed hedgerows will be closer to sources of light such as roads and housing, reducing their ecological value as corridors for commuting bats and other wildlife. In addition, loss of farmland habitat to development will also decrease foraging habitat for bats and other wildlife.

This will need to be given careful consideration in the new planning application to ensure that sufficient mitigation/compensation habitat is provided to address the impacts from both White Rock Phase 1 and White Rock Phase 2.

6. There will need to be sufficient confidence at the outline application stage that any proposed ecological mitigation, compensation and enhancement is deliverable.

Lighting

1. The Lighting Assessment will need to consider lighting impacts on GHB. It is generally accepted that lighting levels of less than 0.5lux are required to allow continued use of habitats by GHB. Mike Oxford and the Council's HRA Adviser, Mike Oxford will be able to provide further advice in this regard.

Green Infrastructure/Open Space, Sport and Recreation

Although this topic is not specifically covered by the EIA Scoping Report, following our meeting on 5th January, it was felt that it would be useful to take this opportunity to outline the Council's requirements in respect of Green Infrastructure/Open Space, Sport and Recreation.

1. A Green Infrastructure Statement should be submitted with the planning application and include:

- a. A plan showing existing GI assets on and adjacent to the development site and GI opportunities and constraints for the proposed development.
- b. A statement and plan showing how GI has been incorporated into the proposed development layout drawing on the constraints and opportunities information identified above, and explaining linkages to the wider GI network.

Further information can be found at www.torbay.gov.uk/greeninfrastructure. The information can form part of the Design and Access Statement.

- 2. The application should detail the amount of open space to be provided on the development site in accordance with the Torbay Council standards, which are set out in Figure 15 of the Affordable Housing & Planning Obligations SPD – available at <http://www.torbay.gov.uk/media/1805/pcahspd.pdf>
 - a. Given the presence of existing playing pitches at White Rock, and the future delivery of a new pitch and MUGA as part of the White Rock Phase 1 development, no on-site provision of playing pitches or a MUGA would be required. However, inclusion of outdoor fitness equipment should be considered within proposed public open spaces and there may be a need for an off-site financial contribution towards improvements to existing sports facilities in the wider area e.g. at the Clennon Sports hub. The need for a financial contribution towards off-site sports facilities will be confirmed in due course. If on-site fitness equipment is provided, the level of contribution would be reduced accordingly.
 - b. We would expect to see on-site play provision to the Torbay Council standard of 0.2ha/1000 people. Note that one quality play space catering for a range of age groups is preferred to two separate play spaces.
 - c. We would expect to see greenspace provision to the Torbay Council standard of 2.5ha/1000 people.
- 3. In general, the Council's preference is for adoption of public open space and play equipment provided on development sites. In this case a commuted sum for on-going maintenance, covering up to a 25 year period, will need to be agreed between the developer and the Council. Alternatively, maintenance may be transferred to a management company, so long as financial provision is made for long term (in perpetuity) maintenance, and dispute resolution.
- 4. The development proposals should ensure pedestrian and cycle linkages to the open space, sport and recreation facilities provided within the White Rock 1 development, including the woodland walk.
- 5. It should be noted that the proposed development site falls within an area identified in the Torbay Local Plan as a proposed Countryside Access and Enhancement Scheme. As such, where possible, the development should provide improved countryside access. The potential for permissive access to be provided on any land to be used for off-site ecological mitigation should be considered where this would not have an adverse effect on ecology.

6. Where possible any SUDS should be designed to be multi-functional with benefits for drainage, ecology, recreation and amenity. Attention is drawn to the following guidance: Sustainable Drainage Systems: Maximising the potential for people and wildlife. A guide for local authorities and developers, Graham et al in association with RSPB, WWT 2012 – available at https://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

Please let me know if you have any queries.

Regards,

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Appendix 13: Service Manager – Engineering, Torbay Council (Lead Local Flood Authority) Consultation Response