

From: Sclater, Julien [<mailto:Julien.R.Sclater@naturalengland.org.uk>]

Sent: 16 December 2019 12:26

To: Pickhaver, David <David.Pickhaver@torbay.gov.uk>

Cc: Lee, Martin <Martin.Lee@torbay.gov.uk>; Shimin, Ashwag <Ashwag.Shimin@torbay.gov.uk>; Delaney, Ailsa <Ailsa.Delaney@torbay.gov.uk>

Subject: 301443 RE: Planning consultation request - P/2017/1133

Dear David

Thank you for your email, helping me to pinpoint aspects that you seek our advice upon. The advice that we provided in our last letter still holds (12 April 2018).

South Hams Special Area of Conservation (SAC)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. As part of securing the mitigation measures, you will also need to ensure that the identified “dark areas” (less than 0.5lux) are not subject to detrimental light spillage from all sources of light (including internal and external sources).

A detailed lighting assessment will be required at Reserved Matters.

- Typically, detrimental light spillage upon greater horseshoe bat habitats (adjoining hedgerows/ watercourses/linear features/foraging habitats) is thought to be associated with Lux levels of 0.5 and above. The assessment should also include reference to wavelength, and light colour.
- An assessment of light impact is best informed by identifying all potential sources of light and combining this information as part of a Lux analysis. This should include light spillage from the proposed buildings and transient lighting from vehicle headlights, all sources of external and internal light.
- Assessment of potential light impacts at both construction and operational phases is often best informed by a suitably qualified lighting designer and ecologist.

- To assess light impacts upon greater horseshoe bat habitat from the proposed development, it will assist to provide contour mapping (0.1lux intervals or less) that represents the lux modelling results (including vertical plane, and sample intervals of 200mm) on an scaled OS map backdrop, and that can be used in conjunction with greater horseshoe bat habitat maps. A baseline assessment will be required to evaluate current light spillage associated with the site.
- To ensure that there is no detrimental light spillage from all sources, it will be necessary to ensure that appropriate mitigation measures are put forward.

On the understanding that this email provides the advice you seek, we do not intend to provide further responses to the other recent consultation (dated 14 November) that we have received from your authority regarding this application.

Regards,

Julien

Julien Sclater

Planning Lead Adviser, South Devon Team

Natural England

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For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

From: Pickhaver, David [<mailto:David.Pickhaver@torbay.gov.uk>]

Sent: 10 December 2019 17:24

To: Sclater, Julien <Julien.R.Sclater@naturalengland.org.uk>; SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Cc: Lee, Martin <Martin.Lee@torbay.gov.uk>; Shimin, Ashwag <Ashwag.Shimin@torbay.gov.uk>; Delaney, Ailsa <Ailsa.Delaney@torbay.gov.uk>

Subject: FW: Planning consultation request - P/2017/1133

Dear Julien

I refer to the recent consultation on the Inglewood application, land south of White Rock, Brixham Road, Paignton. The recent consultation was sent out because the applicants revised the description to 373 dwellings to match the submitted indicative layout plan submitted with the application. The applicants are going to appeal against non-determination and I intend to report the proposal to Planning Committee on 13th January 2020. I understand that the appeal is going to be supported by additional survey work (which I have not yet received).

In my view there are outstanding issues of conflict with the development plan (specifically the Made Brixham Peninsula Neighbourhood Plan) and harm to the setting of the AONB. I also consider that a proposal of this scale needs to be considered in the context of a review of the Local Plan where matters such as the need for development, whether less sensitive sites can be identified, etc. An argument about five year land and how this affects the government's localism system is also unavoidable.

However, it seems to me that the HRA issues are capable of mitigation through the measures identified in Farm Management Plan and Ecological addendum. Because the proposal relies on mitigation measures, an Appropriate Assessment has been prepared by Jacobs to comply with the People over Wind ruling.

Accordingly, please can you confirm that you are happy that your response of 12 April 2018 remains valid. As you know, there is a large body of correspondence on the website, but I have attached your response of 12/4/18, the HRA AA and an updated briefing note from the applicants (which summarises the current proposals rather than adding new information).

Happy to discuss.
Thanks very much

Kind regards
David

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