

# **HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan)**

HRA Site Appraisal Report of Proposed Additional Sites with  
Potential for Development to be included as Proposed Main  
Modifications to the Submission Local Plan

Addendum March 2015

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**Kestrel Wildlife Ltd**

March 2015

Report for Torbay Council

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**Prepared by Kestrel Wildlife Ltd**

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A report by Kestrel Wildlife Ltd on behalf of Torbay Council.

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# 1. INTRODUCTION AND BACKGROUND

## 1.1 Introduction

- 1.1.1. The following report, commissioned by Torbay Council (TC), forms a further addendum to the full Habitat Regulations Assessment (HRA) Site Appraisal produced for the Council through the summer and autumn of 2014 (in terms of integrity of the South Hams Special Area of Conservation (SAC) for greater horseshoe bats)<sup>1</sup>. As such the methods to undertake the Appraisal are the same as described in Section 2 of the main HRA Appraisal Document (October 2014).
- 1.1.2. This addendum has been specifically prepared to examine an additional potential development site; that of:
  - St. Marys Campsite [Proposed Main Modifications reference MM14 (Pool of housing sites), linked to MM12 (Policy SDB1)]

# 2. STRUCTURE OF THIS REPORT

- 2.1. An appraisal is presented in Section 3 of this report and examines whether the site above is likely to affect the Berry Head Component of the South Hams SAC.
- 2.2. This appraisal provides information on the following:
  - a. Key physical characteristics of the site;
  - b. Whether future development of the site has the potential to impact the integrity of the South Hams SAC;
  - c. Whether it is likely that potential impacts will require Habitat Regulations Assessment (HRA);
  - d. Whether it is likely that likely impacts can be mitigated effectively.
- 2.3. A colour code is provided alongside the title of each site report to give an 'at-a-glance' impression of the site's suitability for development.



Green indicates that the integrity of the SAC is unlikely to be affected and proposals could be taken forward that would not require HRA.



Amber indicates that the issue of whether or not the integrity of the SAC is likely to be affected by development depends on the details of the proposal and the form of mitigation provided. HRA would be required.



Red indicates that initial screening suggests that this site should not be brought forward for development because the site is considered key to the integrity of the SAC and it is unlikely that effective mitigation or compensation would be possible. HRA would be required.

<sup>1</sup> Natural England (2010) *South Hams SAC – Greater Horseshoe Bat Consultation Zone Planning Guidance*.



### 3. POTENTIAL DEVELOPMENT SITE

#### 3.1 St MARY'S CAMPSITE



**Proposed Main Modifications reference MM14 (Pool of housing sites), linked to MM12 (Policy SDB1)**

##### **Key Characteristics**

- 3.1.1. St Mary's Campsite (hereafter referred to as the 'Site') is identified in Figure 1 of this HRA Site Appraisal Report and has been identified as a potential residential site within the Local Plan. It is centered on Ordnance Survey (OS) grid reference SX926549.
- 3.1.2. The 'Site' is currently grassland and is used during the summer months as a campsite for mobile caravans and tents.
- 3.1.3. The 'Site' is bounded on the north by a tall mature hedgerow beyond which is residential development. There is also new residential development to the east of the site at Sharkham. The western boundary is comprised of a hedgerow (running approximately north-south) and immediately beyond this to the west is an area of scrub with some tall trees, and to the west of this is the small St Mary's industrial estate (assessed in section 3.1 of the HRA Addendum Report November 2014). The southern boundary is formed by a hedgerow that runs along St Mary's Road, and to the south of this is South Bay Holiday Park (an extensive area of static caravans that extends westward to within 200-250m of the cliffs in St Mary's Bay).
- 3.1.4. The 'Site' lies on the southern edge of Brixham and falls within the *Sustenance Zone* for the Berry Head Component of the South Hams greater horseshoe bat Special Area of Conservation (SAC). It is also located within a particularly sensitive location within one of a series of closely connected GHB Strategic Flyways (see Figure 2 of this HRA Site Appraisal). These flyways around this part of Brixham have been identified through bat radio-tracking studies conducted in the early 2000s and have been used to inform Natural England's SAC Guidance and accompanying map (2010)<sup>2</sup>.
- 3.1.5. The Strategic Flyway from Berry Head is constrained to a narrow corridor that runs approximately north-south along the cliffs of St Mary's Bay (adjacent to the Riviera Holiday Park). At the southern end of St Mary's Bay the flyway branches, and appears to offer the bats one of two navigational choices. They either turn immediately westward to fly towards and parallel to St Mary's Road and through the 'Site'. Alternatively, they fly a little further south (to move around the South Bay Holiday Park) before turning westward again and then moving in a direction that generally seems to take them towards the River Dart and Kingswear (see Figure 2 of this HRA Site Appraisal).
- 3.1.6. From radio-tracking studies, it is known that bats using the route parallel to St Mary's Road then fly through areas of built development before heading in a north-westward direction that takes them beyond the western edge of Brixham. This route appears to give the bats access to foraging areas to the west of the town, whereas, the other more southerly route appears to give the bats access to foraging areas to the south of the town.
- 3.1.7. In summary, the 'Site' forms part of a green corridor that appears to offer access to a strategic route through one of the narrowest parts of the town.

<sup>2</sup> Natural England (2010) South Hams SAC – Greater Horseshoe Bat Consultation Zone Planning Guidance.

**Does future development of the site have the potential to impact the integrity of the South Hams SAC?**

- 3.1.8. The proposed residential site is within the South Hams (Berry Head) *Sustenance Zone* and is on a *Strategic Flyway*.
- 3.1.9. The hedges along the northern and southern boundaries of the site provide suitable commuting habitat for greater horseshoe bats.
- 3.1.10. While the site is not currently cattle grazed, it does represent a significant undeveloped area of grassland that provides open and relatively unrestricted access for commuting bats moving in an east-west direction. As such it appears to offer the first available opportunity for the bats to move westward (through the narrowest part of the town) away from the coast (i.e. St Mary's Bay) towards known foraging areas to the west of the Brixham.
- 3.1.11. The introduction of new residential development into such a greenfield site could lead to the partial or complete loss of this important flyway, and could thereby limit future opportunities for greater horseshoe bats to reach areas currently used for foraging.

**Is it likely that potential impacts will require Habitat Regulations Assessment (HRA)?**

- 3.1.12. In the absence of detailed and extensive greater horseshoe bat surveys, it is impossible to establish that greater horseshoe bats would not be affected by proposed residential development on this site. It is therefore, correspondingly, not possible to establish that there would not be an adverse effect on the integrity of the South Hams SAC.
- 3.1.13. A Habitat Regulations Assessment (HRA), informed by full and comprehensive bat surveys and an assessment of detailed impacts, would be required prior to this site coming forward for inclusion in the Local Plan. Otherwise, in the absence of such detailed information the precautionary principle must apply.

**Is it likely that impacts can be mitigated effectively?**

- 3.1.14. Due to its position within the Sustenance Zone for the Berry Head SAC roost, and its position in the landscape within a crucial section of the Strategic Flyway, it is difficult to envisage how any development might effectively mitigate or compensate for the partial or complete loss of this green corridor.
- 3.1.15. In addition, offsite mitigation (e.g. provided elsewhere within the Sustenance Zone) would not be appropriate because it could not mitigate for the loss of 'this' element of the green corridor.



## APPENDIX A SAC CONSERVATION OBJECTIVES AND GHB CONSERVATION STATUS

### A.1. South Hams SAC Conservation Objectives

A.1.1 As required by the Habitats Directive, high level 'Conservation Objectives' for the South Hams SAC have been identified by Natural England. An overarching objective and a list of further generic objectives aim to:

*'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'*

*This is to be achieved by, subject to natural change, maintaining and restoring:*

- *The extent and distribution of the qualifying natural habitats and habitats of qualifying species.*
- *The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.*
- *The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.*
- *The populations of qualifying species.*
- *The distribution of qualifying species within the site'.*

NOTE Natural England is in the process of preparing site-specific objectives for each SAC and SPA in England.

A.1.2 The application of these objectives will be site specific and dependant on the nature of the site and its features. The local planning authorities should take these objectives into account when undertaking Habitat Regulations Assessments.

### A.2 Favourable Conservation Status (FCS)

A.2.1 Article 2(1) of the Habitats Directive states that 'Measures taken pursuant to this Directive shall be designed to maintain or restore at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest' (emphasis added).

A.2.2 The concept of 'conservation status' is therefore fundamental to the purposes of the Habitats Directive. Article 1(i) defines the conservation status of a species as:

*'the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population within the territory referred to in Article 2' and continues that the conservation status of the species will be taken as 'favourable' when:*

- *'population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis'*

## APPENDIX B Protection and Enhancement of Ecological Networks

**B.1.1** Across Europe, all of the Special Areas for Conservation (SACs) and Special Protection Areas (SPAs) together contribute to the European Natura 2000 network. The protection, management, and enhancement of such ecological networks, and especially those relating to the *Natura 2000* network, are identified as being particularly important in the *EU Habitats Directive*.

**B.1.2** Article 3 of the Directive states:

*Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.*

**B.1.3** Article 10 then goes on to explain:

*Member States shall endeavor, where they consider it necessary, in their land use planning and development policies and, in particular, with a view to improving the ecological coherence of The Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems of marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.*

**B.1.4** *The Conservation of Habitats and Species Regulations* (2010) transpose the above EU Directive into English legislation. Regulation 39 requires development plan policies to include policies that implement at the local level the requirements of Article 10 so as to encourage the management of features of the landscape which are of major importance for wild flora and fauna.

**B.1.5** In relation to the potential development sites discussed in this report, Regulation 39 provides Torbay District Council with an opportunity to link conservation objectives to the allocation of some or all of the sites finally adopted. In particular, the LPA has both a justification and a statutory mechanism by which they can seek through their development plan policies the management and enhancement of landscape features in and around the Local Plan Areal which are of major importance for GHBs.

**B.1.6** For instance, planning for Green Infrastructure in and around the proposed future growth areas could also lead to significant biodiversity gains and substantial improvement of GHB commuting and foraging habitat providing the bats with a very much enhanced flyways around the town. Such measures could also contribute to wider Green Infrastructure objectives and achieve benefits that could then also be enjoyed by the local community.



## REFERENCES

### **References in Relation to Habitat Regulations Assessment of Development Plans**

Tydesley D. and Chapman C. (2013) *The Habitat Regulations Handbook*. David Tydesley Publication Ltd

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

*The Conservation of Habitats and Species Regulations* 2010. London. TSO

### **References in Relation to Local Plan**

Torbay Council (2011) *Brixham Urban Fringe Landscape Study*.

Torbay Council (2014) *Torbay Local Plan A Landscape for Success. The Plan for Torbay – 2012 to 2032 and Beyond*. Proposed Submission Plan. Feb. 2014

Torbay Council (2014) *Habitat Regulations Assessment. Torbay Local Plan A Landscape for Success. The Plan for Torbay – 2012 to 2032 and Beyond*. Proposed Submission Plan. Feb. 2014

Torbay Council (2014) *Key Diagram and Policies Map Booklet. Torbay Local Plan A Landscape for Success. The Plan for Torbay – 2012 to 2032 and Beyond*. Proposed Submission Plan. Feb. 2014

Enderby Associates (2010) *Landscape Character Assessment of Torbay*. May 2010.

# HRA Site Appraisal Addendum

## Maps and Figures



**Figure 1 Location Map for St Mary's Campsite**





**Figure 2** Greater horseshoe bat strategic flyways (indicative only)

