

Habitat Regulations Assessment of Torbay Local Plan

Proposed Submission Version

Screening Matrix to Identify the Likelihood of Significant Effects

Prepared by:
Kestrel Wildlife Consultants Ltd.

November 2013

1. Key to Screening Matrix		
Traffic lights system		Abbreviations:
Green	Site or policy that will have no likely adverse significant effect	GHB – Greater Horseshoe Bat AA – Appropriate Assessment
Amber	Action may have an effect but not significant (minor residual)	
Red	Action likely to have significant effect	
Checklist of Reasoning to determine likelihood of a negative effect on a European site		
From draft English Nature guidance 2006		
No negative effect	0. The development would occur away from the European site and would have no direct or indirect effects	
	1. The policy will not itself lead to development (i.e. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)	
	2. The policy makes provision for a quantum/type of development, but the location is to be selected following considerations of options in other LDD's or is discussed in later policies in this LDD.	
	3. No development could occur through this policy alone, because it is implemented through subordinate policies which are more detailed and therefore more appropriate for AA	
	4. Concentration of development in urban areas will not affect European site and will help steer development and land use change away from European Site and associated sensitive areas	
	5. The policy will help to steer development away from European Site and associated sensitive areas	
	6. The policy is intended to protect the natural environment, including biodiversity	
Potential negative effect	7. The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European site.	
	8. The policy steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European site	
Likely to have a significant effect	9. The policy makes provision for a quantum, or kind of development that in the location(s) proposed would be likely to have a significant effect on a European Site. The proposal must be subject to Habitats Regulations Assessment to establish, in light of the site's conservation objectives, whether it can be ascertained that the proposal would not adversely affect the integrity of the site.	

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
2. Strategic Delivery Areas							
SS1	Growth Strategy for a Prosperous Torbay	2,3				A general policy and can be screened out because it is supplemented by detailed policies (SD2, SDT1-4, SDP1-4 & SDB1-3) in the plan which will be subject to more detailed screening.	YES A requirement should be applied to all relevant policies for Torbay (in particular SDT1-4, SDP1-4 & SDB1-3) requiring the submission of a bespoke GHB Mitigation Plan. Such plans should identify the form and locations of all necessary measures required to ensure that no adverse effect on the integrity of a European site occurs as a result of that development.
SDT1	Torquay General policy relating to the Town as the primary commercial centre of Torbay	2,3				A general policy and can be screened out because it is supplemented by detailed policies (SDT2, SDT3 & SDT4) in the plan which will be subject to more detailed screening.	N/A
SDT2	Torquay Town Centre and Harbour	8				The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off. Impact from discharge of sewage around Hope's Nose has already been reported.	YES Add to Policy SDB3 to read: <i>"For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown".</i> See also recommended policy restriction for Policy W5.

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
SDT3	Torquay Gateway	8	/			The strategic area lies within a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy SDT3 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i>
SDT4	Babbacombe and St Mary Church	1				N/A	N/A
SDP1	Paignton	2,3				A general policy and can be screened out because it is supplemented by detailed policies (SDP2, SDP3 & SDP4) in the plan which will be subject to more detailed screening.	N/A
SDP2	Paignton Town Centre and Seafront	8				The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off.	YES Add to Policy SDP2 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i> See also recommended policy restriction for Policy W5.
SDP3	Paignton North and Western Area	8	/		/	The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects	YES Add to Policy SDP2 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i>



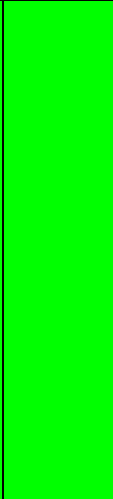

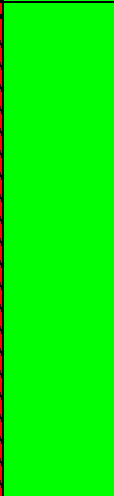
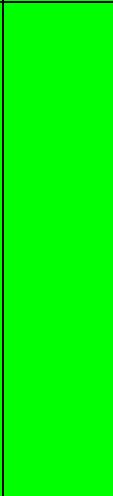
Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
SDP4	Clennon Valley Leisure Hub	8				<p>The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off.</p>	<p>YES</p> <p>Add to Policy SDP4 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i></p> <p>See also recommended policy restriction for Policy W5.</p>
SDB1	Brixham	2,3				<p>A general policy and can be screened out because it is supplemented by detailed policies (SDB2 & SDB3) in the plan which will be subject to more detailed screening.</p>	N/A
SDB2	Brixham Town Centre and Waterfront					<p>The strategic area lies within the sustenance zone for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.</p> <p>The level of growth suggested in this area could potentially have negative impacts on water quality from contaminated run-off</p>	<p>YES</p> <p>Add to Policy SDB2 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i></p> <p>See also recommended policy restriction for Policy W5.</p>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
SDB3	Brixham Urban Fringe and Area of Outstanding Natural Beauty	2,3	/	/	/	The strategic area lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy SDB3 to read: <i>“For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown”.</i>
W5	Waste Water Management	8	/	/	/	Future Discharge Consents for water utility companies, arising from proposed new development in the plan area, will be subject to HRA under Regulation 61. However, the Local Plan should identify the water quality issues at the strategic level, so enabling the infrastructure to be planned and delivered in a way that avoids the housing development having to be refused permission at project stage because of its effects on the interest features and integrity of the Lyme Bay and Torbay cSAC.	Add Policy Restriction in Policy W5; to read: <i>“Additional housing developments within the Local Plan Area, particularly for the allocations in SDT1, SDT2, SDT3, SDT4, SDP1, SDP2, SDP3, SDP4, SDB1, SDB2, SDB3 and in the Areas of Search for Edginswell , Totnes Road, Brixham Road and Wall Park will not be permitted until South West Water have confirmed that their waste water treatment works serving these developments have sufficient capacity to accommodate the additional development and can ensure that there would be no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay cSAC.</i>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
SS9	Green Infrastructure	6				The current wording in Policy SS9 does not identify green infrastructure as a potential means of mitigating residual 'in combination' effects from multiple developments that might otherwise affect the South Hams SAC.	YES Add new criterion 'h' to SS9 to read: <i>"Detailed design of green infrastructure where it is necessary to mitigate for loss of foraging habitat and/or linear features used as flyways by GHBs where the features lost contribute to the integrity of the South Hams SAC".</i>
NC1	Nature Conservation	6				The second paragraph of this Policy could be strengthened so that it is clear that development that has an adverse effect on an international site will not be permitted.	YES Add new sentence as a policy restriction to second paragraph after first sentence, to read: <i>"Development likely to affect an international site will be subject to assessment under the Habitat Regulations 2010 and will not be permitted unless adverse effects can be fully mitigated and/or compensated".</i>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
3. Areas of Search							
	Edginswell, Torquay	8				Part of the Edginsell area of search includes a strategic flyway for GHBS. Without adequate survey to identify use of the area and appropriate design and mitigation, development is likely to have an effect on the integrity of the South Hams SAC both alone and in combination with other projects.	<p>YES</p> <p>Add to Policy relating to Edginswell a specific requirement for:</p> <p><i>“A bespoke GHB mitigation plan for all development within the Totnes Road Area of Search must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The Policy must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects”.</i></p>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
	Totnes Road, Paignton	8				The site lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy relating to Totnes Road a specific requirement for: <i>“A bespoke GHB mitigation plan for all development within the Totnes Road Area of Search must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The Policy must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects”.</i>
	Brixham Road, Paignton	8				The site lies within the sustenance zone for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy relating to Brixham Road a specific requirement for: <i>“A bespoke GHB mitigation plan for all development within the Brixham Road Area of Search must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The Policy must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects”.</i>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
	South White Rock, Paignton	8				The site lies within the sustenance zone for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy relating to South White Rock a specific requirement for: <i>“A bespoke GHB mitigation plan for all development within the South Rock Area of Search must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The Policy must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects”.</i>
	Wall Park, Brixham	9				The site lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	YES Add to Policy relating to Wall Park a specific requirement for: <i>“A bespoke GHB mitigation plan for all development the Wall Park Area of Search must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The Policy must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects”.</i>

Screening Matrix for Policies and Allocations							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dart-moor SACs	Lyme Bay & Torbay cSAC		
4. Additional Plan Policies Likely to Require Screening Assessment as part of the HRA							
SS6, SS7, SS8, SS11, SS12, TC2, TC5, TO1, TO3, C1, C2, C3, C4, C5, HE1, HE2, H1, H5, DE1, DE3, DE5, SC2, ES2, ER2, W4 and M1							

5. Dealing With 'In Combination' Effects							
Policy No.	Description (Policy Topic) (Principle/Action)	Initial LSE Screening	Likely Significant Effect on SACs and SPAs			Outcome of the Screening	Can Counteracting Measures Be Applied Through Modification of the Plan?
			South Hams	Dartmoor SACs	Lyme Bay		
In Combination Effects of Proposals within the Local Plan							
Policy NC1	South Hams SAC Greater Horseshoe Bat Mitigation Strategy	6	/			<p>With regard to the South Hams SAC, the plan currently does not provide for a strategic landscape-scale approach to the coordination and delivery of mitigation measures required to address the following potential 'in combination' effects:</p> <ul style="list-style-type: none"> a. residual impacts from proposals in the TDC Local Plan that are not significant alone, but might in combination with other plan proposals result in adverse affects; b. affects from proposals within Teignbridge as set out in other development plans - such as minerals, waste and transport projects promoted and/or consented by Devon County Council; c. affects from other developments promoted and consented by neighbouring planning authorities where there could be an in combination effect across the boundaries of the two authorities. <p>This is best achieved through a strategic approach, between all relevant competent authorities, that takes account of all likely development proposals and provides an integrated means of achieving adequate mitigation to ensure that the integrity of the SAC is not adversely affected.</p>	<p>Add new sentence to the accompanying text with policy NC1. This should read:</p> <p><i>"The Council, in collaboration with the other planning authorities with responsibilities for the South Hams SAC, will prepare and publish a Greater Horseshoe Bat Mitigation Strategy. This will eventually replace the guidance published by Natural England in 2010. The proposed Mitigation Strategy will identify the requirements for and provision of measures necessary to mitigate the likely affects of all types of developments (both alone and in combination with other projects) in all areas where there could be an adverse affect on the integrity of the South Hams SAC.</i></p>