

A landscape for success

The Plan for Torbay to 2032 and beyond



photo: Paul Naylor

photo: Kaczmaj

Habitats Regulations Assessment

**Non-Technical
Summary**

Local Plan
Consultation Draft

September 2012

Preface

Purpose of this Document:

This document represents a summary of the findings of the Habitats Regulations Assessment (HRA) for the Torbay Local Plan (Consultation Draft - September 2012). The Habitats Regulations Assessment aims to protect habitats and species of European nature conservation importance.

The HRA Report has been compiled for consultation purposes and your comments are welcome (please see details below to comment).

We Want Your Views!

The Strategic Planning Team welcomes feedback on the HRA Report.

If you wish to comment, please use the contact details below. The consultation period runs in parallel to that of the Local Plan, from Friday 28th September to Friday 9th November 2012.

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For further information regarding the Habitats Regulations Assessment or to request an alternative format or language please contact the Strategic Planning Team Tel: (01803) 208804 or e-mail strategic.planning@torbay.gov.uk

Reference copies of this document will be made available at Council Libraries and Connections Offices and at Roebuck House. The Report and accompanying Non-Technical Summary can also be accessed via the internet at www.torbay.gov.uk/newlocalplan

1 Introduction

This Non-Technical summary of the Habitats Regulations Assessment should be viewed alongside the full Habitats Regulations Assessment (HRA) and the Torbay Local Plan. It provides a brief overview of the Screening Report and Appropriate Assessment Report findings. The HRA sets out the findings to enable a judgment whether the Local Plan, either alone or in combination with other plans or projects, will have adverse effects on any European site.

2 The Torbay Local Plan

The Local Plan deals with different aspects of planning in Torbay and covers the period 2012 – 2032. The Local Plan is intended to inform Neighbourhood Plans, which express the aspirations of communities at a local level.

The Local Plan aims to regenerate Torbay and increase economic prosperity in a sustainable manner. These have been identified as the most important issues for the area in the Torbay Community Plan ‘Turning the Tide for Torbay’ and the Economic Development Strategy.

The Local Plan includes matters that relate not only to the use of land but also to other things such as funding and infrastructure (roads, schools, water supply, climate change, Peak Oil etc). For this reason it is called a “spatial plan”. There is more information on the Local Plan at www.torbay.gov.uk/newlocalplan

3 What is Habitats Regulations Assessment?

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as European Sites, and comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

The purpose of HRA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

The European Commission Guidance 2001 on the Habitats Directive sets out four distinct stages for assessments under the Habitats Directive:

Stage 1: Screening

Stage 2: Appropriate Assessment

Stage 3: Assessment of alternative solutions

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain

4 Consultation

The Habitats Regulations Assessment requires the plan making authority to consult the appropriate nature conservation statutory body (Natural England). Natural England (Devon Office) was involved in the early development of a method for undertaking the HRA work in 2006, including the decision on which European sites should be 'screened' for Habitats Regulation Assessment. Natural England has also assisted by providing information relating to the conservation objectives of the sites. Further consultation has been held with Natural England in 2009 on the Core Strategy Growth Options Regulation 25. Natural England was also consulted and provided comments on the Screening and Appropriate Assessment Reports.

5 Screening Report Key Findings

The screening exercise shows that a number of European sites could be affected by the Local Plan Policies. The sites concerned are South Hams SAC, Lyme Bay and Torbay Marine cSAC and Dartmoor SAC. The possible impacts of the Local Plan on European sites are related to recreational pressure, water abstraction and air and water pollution.

On the basis of the information available at this stage of the Local Plan, and subject to amendment of Policy SD1, SDP1, SDP4, SDB1, SD B2 and SD B3 of the Local Plan, the Growth Option Policies could still affect the integrity of the European sites mentioned above, either alone or as a result of in combination effect from other plans and programmes being developed and implemented simultaneously in the area. The Growth Option Policies should therefore undergo an Appropriate Assessment.

Due to a lack of specific development design detail at this stage, the appropriate assessment at this strategic level would not be in great detail, therefore recommendations for further assessment will be required not only at the strategic level but also at a lower tier of the planning process.

The Local Plan Strategic Direction and Delivery Policies and Policy SD2 are not considered having significant effects on any of the European sites and therefore are screened out of the assessment at this stage and further assessment is not considered to be required under the Habitats Regulations.

The finding of this Report will feed into the Local Plan and will inform subsequent stages of the HRA. It will also provide an indication for further assessment that is likely to be required at a later stage in the planning process.

6 Appropriate Assessment Report Key Findings

The Appropriate Assessment stage investigates the potential impacts identified at the screening stage. The level of detail concerning developments that will be permitted under the Local Plan will never be sufficient to make a detailed quantification of adverse effects. Therefore, if an adverse effect cannot be confidently ruled out, the Appropriate Assessment should provide avoidance or mitigation measures.

It was concluded that no adverse effects would result upon South Hams SAC due to the fact that the sites already have management schemes in place that are considered sufficient to control recreational pressure. Provision to the accessible natural greenspace

standard would also serve to minimise the need for recreational resources on the SAC. In addition, Natural England Guidance on greater horseshoe bat would form the basis of both strategic and project level mitigations.

The risk of surface run-off pollution on Lyme Bay and Torbay cSAC occurring as a result of new development suggested by the Local Plan will be minimised by Policy ER1 which promotes the use of Sustainable Urban Drainage Systems in relation to controlling run-off pollution. Environmental Assessment and Habitats Regulation Assessment of Neighbourhood Plans and projects would however prevent this risk from occurring as a result of new development.

The Local Plan has been informed by the Torbay Water Cycle Study, which indicates that the suggested development within Torbay is unlikely to have an impact on water level at Dartmoor SAC. However, as a precautionary measure the Council could add a criterion to Policy SD1 which links permission being given for development to provision of satisfactory waste water treatment infrastructure. This approach would reduce the level of pollution and in turn provide additional capacity at the works to accommodate the additional housing without adding to the water quality problems.

Implementation of these mitigation measures should ensure that there would be no residual impact of the proposed development on the integrity of the three European sites. These requirements, as well as those set out in the Screening Report, should be addressed through the implementation of the Local Plan. The Council will have to take all possible measures at this tier of planning to ensure that the development to be delivered under the Local Plan will not have an adverse effect upon any of the European sites.

It is recommended that the outcomes (appropriate mitigations) from the Local Plan feed into Neighbourhood Plans. Recommendations have, however, been made to enable the Local Plan to be modified to minimise the long term impacts at a strategic level, rather than relying entirely on the ad hoc, project based level assessment.

The Local Plan should make it clear that its policies and proposals do not provide support to any proposal which would have an adverse effect on the integrity of any European site. It is imperative that project based HRA is undertaken for each planning application. Permission should only be granted where it is categorically proven that there will be no adverse impacts on European sites.