

TORBAY LOCAL PLAN

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

SUBMISSION PLAN

TORBAY COUNCIL PROPOSED MODIFICATIONS DOCUMENT - TCMOD/17

Torbay Council further response to Natural England representations on Proposed Main and Additional Modifications, SA and HRA

Torbay Council – 30 April 2015

Further response to Natural England representations on Proposed Main and Additional Modifications, SA and HRA

Background

During the February / March 2015 consultation period, the Council received a comprehensive set of comments on the Proposed Modifications to the Submission Torbay Local Plan from Natural England (NE), set out its letter of 18 March 2015. On 2 April 2015, the Council's Strategic Appraisal Officer and the Council's ecology consultant met with Natural England's Lead Plans Advisor to discuss the representations made, in particular matters relating to the SA, HRA and the detailed ecological impacts of specific new site allocations put forward in the Proposed Modifications to the Local Plan.

The observations of the Council set out below are informed by the discussions that took place, the subsequent detailed research carried out by Mike Oxford of Greenbridge Limited (formerly Kestrel Wildlife Ltd), entitled 'Matters Relating to Habitat Regulations Assessment of the Local Plan Proposed Modifications', dated April 2015 and the internal discussions between the Council's relevant professional officers.

The Council's comments below refer to paragraph and page numbers under the relevant section titles set out in the NE letter of 18 March 2015.

Main Modifications Representations

The Council has sought to consider the majority of NE's Main Modifications representations (pages 2 to 5) in its documents entitled 'Torbay Council response to representations to Proposed Main Modifications to the Submission Plan [Representations by Main Modification / policy number]', dated 22 April 2015, and 'Torbay Council response to representations to Proposed Main Modifications to the Submission Plan [Representations by person / organisation]', dated 22 April 2015. It should be noted that the conclusions therein have been informed by, inter alia, the evidence derived from the assessment carried out by Greenbridge Limited.

Additional Modifications Representations

Natural England's representations on Additional Modifications (pages 5 to 8) are covered similarly in the documents entitled 'Torbay Council response to representations to Proposed Additional Modifications to the Submission Plan [Representations by Main Modification / policy number]', dated 22 April 2015, and 'Torbay Council response to representations to Proposed Additional Modifications to the Submission Plan [Representations by person / organisation]', dated 22 April 2015.

Sustainability Appraisal

Paragraph 1, Page 1

The 10,000 dwellings target recommended by the Inspector has already been assessed in section 4 of the Sustainability Appraisal Report (February 2014), being the upper end of the 8,000 – 10,000 dwellings range put forward in the Submission Plan. The small sites included in Appendix D of the Local Plan have been assessed as part of the wider Strategic Delivery Areas (SDT1, SDP1 and SDB1). All of the Local Plan Modifications (both Main and Additional) have been reassessed through further SA work. The SA has considered the interrelationship between new sites, existing sites, existing policies and updated policies.

Paragraph 2, Pages 1 and 2

Sustainability Appraisal does not consider deliverability directly; rather, it highlights impacts and recommends measures to overcome negative impacts. It is the role of the policy and plan makers to decide the number of dwellings in the light of other information available. Clearly this matter will need to be addressed further, as necessary, in the agreed version of the Local Plan.

The area forming the proposed new Future Growth Area to the south White Rock in fact includes two sites; Land South of White Rock (SHLAA T756b), with scope for about 250 dwellings, and land in Manor Farm, Galampton (SHLAA T739) with potential for about 100 dwellings.

With regard to the difference in numbers between the SHLAA and Modifications (identified at the start of P2 of Natural England's letter), it will be noted that the promoters of the site (Abacus and Deeley Freed, via Stride Treglown) have provided a greater level of detail on landscaping, ecology and potential layout of development than was carried out in the SHLAA. They promoted both sites in their representations to the Proposed Submission Local Plan (April 2014). Further evidence was provided to indicate that a total of around 460 dwellings could be provided across both sites.

As part of their representations on the Proposed Modifications, they provided a detailed Land Promotion Study, which was limited to the more northerly site (T756b). This evidence, along with other representations, such as Natural England's, has informed the Council's response to the Main Modifications, including the recommended deletion of the Manor Farm land (T739).

It is emphasised that not all of the land within these sites would be developed. All Future Growth Areas would eventually be subject to masterplanning; the exact number of dwellings will be finalised at that stage, in the context of the necessary evidence (e.g. Collaton St Mary Future Growth Area).

Paragraph 3, Page 2

Policies ER1 and ER2 as amended are applicable to the development of all sites allocated in the Local Plan, including the new sites put forward as Proposed Main Modifications. The two Policies have already addressed the requirement for SUDS, WSUD and water storage areas. The Local Plan has recommended about 100 new dwellings in North Torquay and about 270 in South Torquay, mainly on brownfield car park sites. The Local Plan has further committed to producing a Supplementary Planning Document setting out detailed guidance on the use and application of WSUD and SUDS.

The concomitant amendments will be made to the Sustainability Appraisal as necessary.

Habitats Regulations Assessment Revision

Paragraph 1, Page 8

An evidence base to support the HRA was produced for allocations at Land South of White Rock and St Mary's Campsite in February and March 2015 (HRA Site Appraisal Reports for Torbay Local Plan Strategic Delivery Areas) - see the links below:

<http://www.torbay.gov.uk/hrasiteappraisalreportofproposedadditionalstobeincludedas.doc>

<http://www.torbay.gov.uk/ph10-hrasiteappraisalreportstmarycamp.pdf>

The two reports have informed both the HRA and the Local Plan.

The Churston Golf Club site is not a new Local Plan housing site. It has been moved from the list of committed development sites to the list of potential 'pool' development sites that are subject to consideration in the Neighbourhood Plans. The site has been subject to extensive ecological surveys by professional ecologists, using methodologies agreed with Natural England. Following clarification of a number of points Natural England removed their earlier objections to the proposals. The Council remains aware of the issues surrounding delivery of the site but remains of the view that it is an appropriate Neighbourhood Plan 'pool' site.

It will be noted that the primary difficulties associated with the Churston Golf Club site relate to potential sites for the relocation of the clubhouse and 1st and 18th holes (including the recent appeal site). The site of the current club house and 1st and 18th holes (i.e. the site included in the Local Plan's Appendix D) is agreed to be of little interest as a foraging area for greater horseshoe bats (as indicated on Page 4 of Natural England's letter).

Paragraph 2, Pages 8 and 9

Natural England has objected to the inclusion of specific existing car parks in Torquay as brownfield development sites. They have stated the following:

- That these car parks slow the migration of surface water into the combined sewer system; and

- That from previous negotiations the car parks in Torquay are situated in areas where due to clay geology, SuDS are very unlikely to be delivered.

The basis for these conclusions is uncertain and the statements are somewhat confusing.

Currently all the car parks in Torquay are hard surfaced and surface water run-off from these is positively drained to the combined sewer system, giving 100% impermeable area. However, as part of any redevelopment, the impermeable area will be reduced and surface water run-off will, where possible, discharge to a SuDS system. As no site investigations or infiltration testing has been undertaken at the existing car parks, it is therefore not possible to confirm whether or not infiltration SuDS will be feasible at these sites.

If infiltration SuDS systems are not feasible, an alternative form of SuDS can be used which will incorporate storage and a controlled discharge to the combined sewer system. The controlled discharge will be limited to the greenfield run off rate for the site. By using either of these SuDS techniques, the volume and rate of surface water discharging to the combined sewer system will be significantly reduced and hence the frequency and volume of discharges from the combined sewer overflows to the Lyme Bay and Torbay Marine cSAC will also be reduced.

Polices ER1, ER2 and W5 have been modified to emphasise the importance of reducing surface water run-off into shared sewers. In particular, a rigid sequential approach is set out in Policy ER2 (AM163). In addition, the explanatory text to ER1 at Paragraph 6.5.2.13 (noted as Proposed Additional Modification AM160) was inserted in response to the Environment Agency. This undertakes that all development should mimic greenfield rainfall run-off rates. This represents a reduction in run-off from car park sites, which are currently hard surfaced and drain into shared sewers.

Habitats Regulations Assessment Omissions

Paragraphs 1 and 2, Pages 9 and 10

The habitat survey and desk top study method used for the HRA Site Appraisal has been the approach NE accepted as fit for purpose for strategic sites. The NE requirement to provide bat survey data for certain of the new sites is noted.

The Council has subsequently produced a site Appraisal Report that provides more information on the St Mary's Campsite. This work indicates that likely significant effect cannot be ruled out at this stage. The evidence has been sent to the Examination Inspector, who will make his recommendations in the light of the information received. The Council has in the meantime now recommended the removal of this site in its response to Proposed Modifications due to the difficulties of mitigation and hence delivery.

In addition, the recent work by Mike Oxford of Greenbridge Limited, entitled 'Matters Relating to Habitat Regulations Assessment of the Local Plan Proposed Modifications',

further assesses the comments made by NE in relation to the impact of additional housing sites on the GHB SAC. This study provides additional information on the likely cumulative effect of development, 'pinch points' and possible approaches to mitigation arising from key additional site allocations. In this context, the Council's preferred approach is now to remove the Future Growth Area at Land South of White Rock. This is on the basis of the current lack of available critical evidence necessary to guarantee appropriate on-site mitigation against harm to the GHB SAC, and other concerns that currently exist regarding impact on the AONB and agricultural land quality.

In the meantime, the Council has made it clear in the preamble to its response to representations to the Proposed Main Modifications that there is nevertheless scope to address and overcome these objections over time if more evidence is provided in due course.

The concomitant amendments will be made to the Local Plan Habitats Regulations Assessment as necessary.