

**Paignton Neighbourhood Plan
Referendum Version**

**Habitats Regulations Assessment
Appropriate Assessment
March 2019**

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1. Introduction

This Report sets out stage 2, Appropriate Assessment (AA), of the Paignton Neighbourhood Plan (PNP) Habitats Regulations Assessment (HRA) based on the Examiner's recommendations and further modifications made post examination. The AA considers the policies that were screened out in the submitted HRA Screening stage where mitigating measures were taken into account¹. The original screening was prepared and submitted before the Judgment of the European Court of Justice, 'Sweetman' judgment (*People over Wind & Sweetman v Coillte Teoranta* case C-323/17 on 12 April 2018). This ruled that *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of a plan or project on the site"*. It represents a significant shift in the interpretation of the law on Habitats Regulations.²

Following the Sweetman/People over Wind judgment the Habitats Regulations Screening has accordingly been revisited in this AA, taking the judgement into account.

The PNP Examiner's Report was published in July 2018³. It considers whether the Plan meets legal "basic conditions" including conformity to the Habitats Directive (92/43/EEC). The report states at para. 11.6.10 that *"On the basis that the Paignton Neighbourhood Plan **does not make any site allocations** I am satisfied that the HRA 'Screening Stage' does substantively meet the requirements"*. The Council, as the competent authority, considers the information provided at the screening stage is sufficient to meet the Habitats Regulations.

This Plan was approved unanimously by Torbay Council Full Council (the Local Planning Authority) on 15 November 2018. The Council decision incorporates an addition to Policy PNP1 in response to the recommendation of the on-going HRA Assessment to state that:

"Development will not be supported where: f) The development proposal would result in an adverse impact on a European protected site".

The AA involves an assessment of the Post-Examination policies⁴ that were screened out at the Screening stage where mitigation measures had been taken into account. It is noted that the HRA Screening dated July 2017 (Document 4 of Paignton Neighbourhood Forum's submission documents) contains a screening of specific sites at Appendix 17. However the Neighbourhood Plan does not include site allocations for housing or employments sites. Table 8.1 of the Referendum Plan includes

¹ https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf Sustainability Appraisal, Habitats Regulations Assessment, July 2017

² Previously *R (Hart DC) v Secretary of State for Communities and Local Government* [2008] EWHC 1204 (Admin) did allow mitigation to be considered at Stage 1 Screening stage.

³ <https://www.torbay.gov.uk/media/11634/pnpindependentexaminersreport.pdf> See conclusions at page 15 of the Report.

⁴ Identified sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process.

some sites identified in the Adopted Torbay Local Plan in its phasing conclusions. These are not site allocations, as clarified by the Examiner and subsequently ratified by full Council. More detail is set out in the Examiner's Report⁵. Accordingly, the specific sites have not been assessed in this iteration of the assessment on the basis that they are not proposed by the PNP.

2. The Screening Report Outcome

The policies that were found to have likely significant effects on European sites were screened out subject to mitigation measures in the Screening stage have undergone an Appropriate Assessment to ensure the Plan accords with the 'Sweetman'/People over Wind judgment⁶.

2.1 Paignton Neighbourhood Plan Policies

Out of 27 policies 13 were screened out at screening stage and therefore will not be considered in this AA, these are:

PNP1, PNP2, PNP4, PNP5, PNP9, PNP10, PNP11, PNP15, PNP16, PNP18, PNP19, PNP23, PNP26.

The remaining 14 policies were screened out at screening stage subject to recommended mitigation measures and therefore will be considered in this AA, these are:

PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17, PNP20, PNP21, PNP22, PNP24, PNP25, PNP27.

2.2 Housing and Employment Sites

The Independent Examiner considering the Paignton Neighbourhood Plan found that a Neighbourhood Plan could not be required to make site allocations. Her recommendations were accepted, with a number of further modifications by full Council on 15 November 2019. This document assesses the "Referendum Version" of the Plan. Whilst the submitted HRA did consider identified housing and employment sites, these have not been included as allocations in the Referendum PNP and can therefore will not be considered in this AA.

3. Appropriate Assessment

This section addresses stage two Appropriate Assessment of the HRA process (Article 6(3) of Council Directive 92/43/EEC). The AA assesses the adverse effects on European sites in light of the conservation objectives and mitigation measures required. The Screening Report considered the two European sites within Torbay i.e. the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

⁵ Op. cit. See conclusions at page 15 of the Report

⁶ Prior to the Sweetman/People over wind judgment the policies were screened out either with or without mitigation measures, as set out in the Screening Report submitted with the PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary, July 2017

https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf

Section 4.21 of the Screening Report⁷ summarises the main factors that could potentially affect the integrity of the two European sites alone and as a result of the in-combination effect of the Neighbourhood Plan policies. These are:

- Increased water discharges (consented), which can lead to reduced water quality at European sites.
- Increased surface water runoff, which can lead to reduced water quality at European sites.
- Increased recreational activity, which can lead to increased disturbance at European sites.
- Increased noise and light pollution, which can lead to increased disturbance at European sites.
- Land take, which can lead to habitat loss and fragmentation of designated and/or supporting habitats.

The AA examines the following policies and sites in more detail in Appendix A. The mitigation measures included in this assessment were extracted from the HRA Screening Report and other available sources such as the Torbay Local Plan HRA and planning application relevant references were also provided in Appendix A.

Along with the strategic policy mitigations measures already in place, the mitigation measures recommended in Appendix A have been incorporated into the PNP.

3.1 PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17 & PNP27

General policies could potentially have adverse effects on water quality from contaminated run-off which could adversely affect Lyme Bay and Torbay Marine SAC. The policies were generally found to have no adverse effects on the South Hams SAC.

Mitigation Measures

- The Local Plan Policies W5 and ER2 restrict development that could have adverse effects on the Lyme Bay and Torbay Marine SAC.
- These sites are also subject to Policy PNP1 (i) Surface Water, which requires a range of measures aimed at reducing the risk of combined sewer outflows and other polluting incidents.
- Amend PNP1⁸ (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site. This change has been incorporated into the Referendum Plan, as agreed by Full Council on 15th November 2018.

3.2 PNP20, PNP21, PNP22, PNP24, PNP25

⁷ Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary, 2017

⁸ It is noted that the PNP does not allocate site, but rather identifies local requirements to steer developments including habitats safeguards and as such will support the implementation of the mitigation strategy outlined in this report.

These are location specific Policies that lie within the sustenance zone and adjacent to strategic flyways of the South Hams SAC Greater Horseshoe Bats (GHB). They are not specific development policies themselves, and largely seek to regulate and promote high environmental quality in areas proposed by the Adopted Torbay Local Plan. Nevertheless some of the policies contain support for matters such as park and ride (PNP22), cycle tracks or other green infrastructure that could trigger the need for additional HRA Screening at project level. Without appropriate design and mitigation, development in these areas is likely to adversely affect the South Hams SAC integrity, both alone and in combination with other plans or projects. The policies could potentially have adverse effects on water quality from contaminated run-off resulting from insufficient sewer capacity, which in turn could have adverse effects on Lyme Bay and Torbay Marine SAC.

Proposals will need to be assessed against the development plan as a whole, which includes Policy PNP1 (i) of the PNP and Policies ER1, ER2 and W5 of the Adopted Torbay Local Plan.

Mitigation Measures

- Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted.
- Strategic Local Plan Policies W5 and ER2 restrict development that could have adverse effect on the Lyme Bay and Torbay Marine SAC.
- Policy PNP1 (i) requires sustainable drainage and water management measures in development.

3.3 Great Parks Phase 2 (PNP20)

Great Parks Phase 2 is a Greenfield site that lies on the edge of the urban area. Some of the Phase 2 land has planning permission (P/2014/0938 and P/2018/0522, and P/2016/0462). The land was a proposal in the previous Local Plan 1995-2011, which has been carried over into the Local Plan 2012-30 as part of Policy SDP3.2. The PNP does not allocate the site but Policy PNP20 seeks to deliver the site as per the (non-statutory) masterplan, subject to further habitat safeguards being achieved to ensure no likely significant effects on protected species in the area.

Because the Policy is not a site allocation (and expressly requires habitat safeguards), it is possible that no AA is required. However the policy does encompass green infrastructure and cycle facilities and AA has been carried out on a precautionary basis.

Although the site lies outside the South Hams SAC 'Greater Horseshoe Bat Consultation Zone', it offers potential commuting and foraging habitat for bats. Activity surveys⁹ show the site supported low numbers greater horseshoe bat. The Annex II species greater horseshoe bat was recorded using the western boundary of the site.

⁹ EAD Ecological Consultants (2014)

The potential issues arising as a result of proposed development are:

- 1 Loss and fragmentation of commuting routes during the construction phase;
- 2 Habitat fragmentation associated with artificial illumination during construction and operational phases; and
- 3 Loss of potential roosting features within trees.

Mitigation Measures

Mitigation and enhancement during construction:

- All contractors' compounds would be located away from hedgerows and mature trees to minimise potential lighting and disturbance impacts. No lighting would be left on during the night during the construction period.
- Any security lighting would be positioned at low-height and motion activated on short-timers.
- The retained hedgerows would be maintained as corridors and would remain suitable for use by foraging and commuting bats; new habitats on the site would provide new commuting and foraging opportunities for bats, particularly as they matured.
- A minimum of 15 bat tubes or bat bricks would be installed within new buildings, and a further five boxes placed on suitable trees within the site. Boxes would be placed above 3m height in locations facing boundary hedgerows that are not subject to lighting, avoiding north-facing aspects.
- Exact locations and specifications would be specified in the LEMP. This would enhance the site for bats by providing additional roosting opportunities

Mitigation and enhancement post-construction:

- The proposed development would include an integrated landscape and ecological design that will benefit a range of wildlife as it established and matured. This would include:
- New native tree and shrub planting, new native hedgerow, new wildflower rich grassland, and wetland habitat associated with the 'rain garden' that would form part of the SUDS design for the development.
- A Landscape and Ecological Management Plan (LEMP) would be produced and would detail appropriate long-term management and monitoring of the wildlife habitats.
- To minimise post-construction impacts on bats, lighting along roads and footpaths would be kept to the minimum required for security and public health and safety. Low-level directional lighting would be used where possible and low pressure sodium lights would be used in preference to high pressure sodium or mercury lights. There would be no lighting on hedgerows around the boundary of the site.

3.4 White Rock (PNP21)

As set out above, the PNP makes no employment site allocations, and the reference to PNPE8 in Figure 7.14 is for information purposes. Policy PNP21 provides guidelines for the implementation of Local Plan Policies SS2 and SDP3.5. Whilst PNP21 seeks to strengthen planting and enhance ecological assets, it also contains criteria that could encompass development, and the Policy has therefore been included in the AA. The identified site has planning permission (P/2011/1267 and P/2017/1042 and others) and is being built out. It is within the South Hams SAC greater horseshoe bat sustenance zone and provides suitable foraging and commuting opportunities for bats in form of grassland and hedgerows habitats. Connectivity to surrounding habitats is good as most of the surrounding areas (to the west and south) consists of rural fields.

A number of bat surveys¹⁰ showed that the area was regularly used by greater horseshoe bats, although activity levels were considered to be generally low. The surveys indicated that greater horseshoe bats more frequently used the woodland edge within the site and also the hedgerow. The site was likely to be used for commuting, rather than foraging.

Natural England state that they will not object to the scheme subject to suitable mitigation being secured.

Mitigation Strategy

The White Rock Masterplan (a non-statutory document) has been designed to ensure continues opportunities for horseshoe bats and the LEMP has been compiled to ensure the establishment of landscape features and coherent ecological network. In particular to enhance connectivity across the site for foraging and commuting bats including greater horseshoe bats.

The mitigation and enhancement strategy would be controlled through the provision of:

- Additional planting hedgerows using native species to enhance foraging opportunities for bats;
- The provision of a purpose designated and managed flyway across the landscape provides sufficient compensation for the loss of low quality foraging habitats;
- A sensitive lighting scheme will be implemented on the site, to include directional lighting away from retained trees and green corridors. Light levels should not increase by more than 0.5 lux as a result of development; and
- Consideration will also be given for enhancing the site for bats through installing bat roosting features on to building and retained trees and additional planting including night-scented plant species such as honeysuckle¹¹.

¹⁰ Tyler Grange (2017) & Ecosulis (2016)

¹¹ Ecosulis (2016)

3.5 PNP22 Western Corridor

Policy PNP22's primary focus is to promote sustainable development, in conjunction with Policies SS6.2 (ii), SS6.8 and TA1 of the Local Plan. Nevertheless PNP22 could support cyclepaths/footpaths, park and ride facilities and associated infrastructure that could potentially affect HRA species.

Development specifically supported in PNP 22 is likely to be relatively small scale in nature as the Local Plan sets a strategic framework for the Western Corridor. However criteria b) supports the principle of a park and ride facility although a specific site is not identified in the PNP. Such a proposal would require HRA screening/AA at a project level.

Mitigation Measures

- Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted.
- Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.
- Amending Policy PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site will reinforce these safeguards.

3.6 PNP24 Collaton St Mary

The Policy area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway. Development of the sites could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley. The area also lies within flood risk zone adjacent to Lyme Bay and Torbay Marine SAC. The level of growth in these sites could potentially have adverse effects on Lyme Bay and Torbay Marine SAC

Policy PNP24 Collaton St Mary Village does not allocate the area for development - this is done by Proposals SS2 and SDP3 of the Torbay Local Plan 2012-30. Policy PNP24 (as Modified by the Independent Examiner) seeks to guide the already allocated development in accordance with the adopted Masterplan Supplementary Planning Guidance principles, including a requirement for flood minimisation. Both the Local Plan and masterplan note the need for habitats surveys. The PNP is considered to strengthen these environmental controls. The Local Plan Policies and the SPD require project level HRA screening and Appropriate Assessment, supported by sufficient survey evidence. In addition the overarching Policy PNP1 as amended in response to this AA will apply to the area.

Development proposals could result in loss of semi-natural vegetation and/or introduction of new light sources at Collaton St Mary, albeit that Policy PNP24 contains significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.

Mitigation Measures

The South Hams SAC:

- Provision of landscape buffers between development and areas of semi-natural vegetation in the valley;
- Control of light spill;
- Mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;
- Retention, where appropriate, of features through development that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.

The Lyme Bay and Torbay Marine SAC:

Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC. It would also be subject to Policies in PNP1 (as Modified).

3.7 PNP25 Clennon Valley

The Policy area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway. Development of the sites could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley. The area also lies within flood risk zone adjacent to Lyme Bay and Torbay Marine SAC.

Policy PNP25 Clennon Valley is not a proposal for development, but rather seeks primarily to retain and enhance the natural landscape character of the valley, biodiversity and waterway, primarily for recreation/tourism. However criteria e) would support the provision of all whether tourism attractions. Whilst not a specific proposal, significant development could potentially have adverse effects on Lyme Bay and Torbay Marine SAC.

The context of PNP25 e) is clear that such tourism proposals should conform to the environmental safeguards set out earlier in the Policy. The Policy sits alongside Local Plan Policy SDP4 Clennon Valley Leisure Hub, which sets out requirements in relation to European sites.

Policy PNP25 does not contain specific proposals, and should these arise, they would need to conform to the environmental safeguards in both the Local Plan and PNP and be subject to project level Screening/AA. The addition of an additional criteria in Policy PNP1 (in response to the AA's findings) to indicate that development will not be supported where it has an adverse impact on a European protected site adds an additional safeguard.

Development proposals could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley, albeit that the policies contain significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.

Mitigation Measures

The South Hams SAC:

- Provision of landscape buffers between development and areas of semi-natural vegetation in the valley;
- Control of light spill;
- Mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;
- Retention, where appropriate, of features through development that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.

The Lyme Bay and Torbay Marine SAC:

Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.

3.8 In-combination Assessment

The Habitats Directive requires all significant effects of plans and projects, whether they are alone or in combination with other plans and projects, be assessed in view of the conservation objectives of the European site. At this plan making stage, the focus of in-combination assessment has been on relevant plans that promote future growth or encourage tourism or recreation.

The two European sites (the South Hams SAC and the Lyme Bay and Torbay SAC), are also partly within South Hams District and Teignbridge District as well as Torbay. Along with the Torquay and Brixham Peninsula Neighbourhood Plans, these Plans will be considered in combination with the PNP:

- Teignbridge Local Plan 2013-2033 (adopted 6th May 2014);
- South Hams Local Development Framework 2006-2016 (adopted July 2010); and
- The emerging Joint Plymouth and South West Devon Local Plan (currently at the examination)

The five plans were subject to HRA, and contain policies that provide the highest level of protection and enhancement of European protected sites at plan making level. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Paignton would be reduced to an insignificant level and therefore the Paignton Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and the conservation objectives of these sites would be sustained.

The Appropriate Assessment cannot rule out in-combination effects from projects level assessment or where outside of the above plans, as it would be a disproportionate and impractical task to seek to do so. In order to add extra assurance, Policy PNP1, Criteria f) was inserted into the Referendum Version of the Plan to indicate that development would not be supported where development proposal would result in an adverse impact on a European protected site. This additional wording was approved by full Council on 15th November 2018.

4. Conclusions and Recommendations

The PNP pre and post examination has been screened to check for the likelihood of significant effects on any European site. Torbay Council as a competent authority needs to ascertain whether the plan is likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The assessment only considers the habitats and species that are qualifying interest features of the European sites.

These findings, identify that the PNP Referendum Plan will not have a likely significant effect on the integrity of four out of the six European sites identified within 20 km of Torbay boundaries (see Table 4.1 in the Screening Report); either alone or in combination with other plans or projects. Likely significant effects could not be ruled out for the Lyme Bay SAC and the S Hams SAC, and based on the precautionary principle, the likely significant effects were assessed in the AA.

Many of the Policies in the PNP contain environmental and/or flood control policies which are likely to reduce the environmental impact on development including the Lyme Bay and Torbay Marine SAC and South Hams SAC. Nevertheless, in response to the draft of this document, the Local Planning Authority has proposed an addition to Policy PNP1 –Area Wide as follows:

Development will not be supported where:

f) The development proposal would result in an adverse impact on a European protected site.

Subject to implementation of the proposed mitigation measures, the impacts of additional development in Paignton would be reduced to an insignificant level and therefore the Paignton Neighbourhood Plan policies will not affect the integrity of any of the European sites identified and the conservation objectives of these sites would be sustained or enhanced by the implementation of the PNP.

5. References

1. Paignton Neighbourhood Forum (2017) - Paignton Neighbourhood Plan Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary.
2. Kestrel Wildlife Consultants Ltd (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).
3. Tyler Grange LLP (2017) – Units C&E Torbay Business Park, Woodview Road Paignton Ecological Assessment – Bat Addendum (P/2017/1042).
4. Ecosulis (2016) – White Rock, Western Bowl, Paignton, Preliminary Ecological Appraisal (P/2016/1381, P/2017/0412).
5. EAD Ecological Consultants (2014) Great Parks, Luscombe Road, Paignton, Devon (P2014/0938).

Appendix A: Appropriate Assessment Matrix

Site/Policy	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
PNP1, PNP2, PNP4, PNP5, PNP9, PNP10, PNP11, PNP15, PNP16, PNP18, PNP19, PNP23 & PNP26.	General policies with specific elements to conserve and enhance natural, built and historic environment. They will not adversely affect European sites.	Yes	No	N/A	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)
PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17 & PNP27	<p>General policies have the potential to adversely affect the Lyme Bay and Torbay Marine SAC.</p> <p>Policy PNP3 Paignton Harbour seeks to retain the heritage features and quaintness of the harbour and the enhancement of wildlife. However the policy could encompass matters that could affect Habitats Regulations species, such as the encouragement of commercial and residential accommodation (b) and water sports (e), which could require mitigation. Accordingly an appropriate assessment has been carried out. These are not specific proposals, and such matters</p>	No	Yes	<p>Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.</p> <p>Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site.</p>	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)

	would need to be assessed at project level (if that they are matters that fall in the scope of land use planning).				
PNP20, PNP21, PNP22,	Area Policies that lie within sustenance zone and proximity of strategic flyways for Greater Horseshoe Bats (GHB). Without appropriate design and mitigation, is likely to have significant effect on integrity of the South Hams SAC both alone and in combination with other projects. Could potentially have negative impacts on water quality from contaminated run-off resulting from insufficient sewer capacity.	No	Yes	Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted. Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC. Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site.	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)
Great Parks Phase 2 (PNP20)	Policy PNP20 does not allocate the Great parks Site, but supports the implementation of the 2013 Masterplan (and Local Plan Policy SPD3.2) <i>“subject to the required further habitats safeguards”</i> Although the site lies outside the South Hams SAC ‘Greater Horseshoe Bat Consultation Zone, it offers potential commuting and foraging habitat for bats. The activity surveys ¹² show the site supported low numbers greater horseshoe bat. The Annex II species greater horseshoe bat was recorded using the western boundary of the site.	No	Yes (on a precautionary basis)	AA has been carried out on a precautionary basis. Mitigation measures are likely to be required in relation to development of Great Parks in general, rather than implementation of the PNP per se. Mitigation and enhancement during construction: <ul style="list-style-type: none"> All contractors’ compounds would be located away from hedgerows and mature trees to minimise potential lighting and disturbance impacts. No lighting would be left on during the night during the construction period. 	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017); & EAD Ecological Consultants (2014)

¹² EAD Ecological Consultants (2014)

	<p>The potential issues arising as a result of proposed development are:</p> <ul style="list-style-type: none"> • Loss and fragmentation of commuting routes during the construction phase; • Habitat fragmentation associated with artificial illumination during construction and operational phases; • Potential for buildings to become inhabited by bats; and • Loss of potential roosting features within trees. 			<ul style="list-style-type: none"> • Any security lighting would be positioned at low-height and motion activated on short-timers. • The retained hedgerows would be maintained as corridors and would remain suitable for use by foraging and commuting bats; new habitats on the site would provide new commuting and foraging opportunities for bats, particularly as they matured. • A minimum of 15 bat tubes or bat bricks would be installed within new buildings, and a further five boxes placed on suitable trees within the site. Boxes would be placed above 3m height in locations facing boundary hedgerows that are not subject to lighting, avoiding north-facing aspects. • Exact locations and specifications would be specified in the LEMP. This would enhance the site for bats by providing additional roosting opportunities <p>Mitigation and enhancement post-construction:</p> <ul style="list-style-type: none"> • The proposed development would include an integrated landscape and ecological design that will benefit a range of wildlife as it 	
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				<p>established and matured. This would include:</p> <ul style="list-style-type: none"> • New native tree and shrub planting, new native hedgerow, new wildflower-rich grassland, and wetland habitat associated with the 'rain garden' that would form part of the SUDS design for the development. • A Landscape and Ecological Management Plan (LEMP) would be produced and would detail appropriate long-term management and monitoring of the wildlife habitats. <p>To minimise post-construction impacts on bats, lighting along roads and footpaths would be kept to the minimum required for security and public health and safety. Low-level directional lighting would be used where possible and low pressure sodium lights would be used in preference to high pressure sodium or mercury lights. There would be no lighting on hedgerows around the boundary of the site.</p>	
White Rock and nearby areas, PNP21	See note above. The PNP does not allocate the site, as it is allocated as a Future Growth Area in the Adopted Torbay Local Plan, and most of the area has planning permission. However PNP21 would support employment related	No	Yes (on a precautionary basis)	The White Rock Masterplan has been designed to ensure continues opportunities for horseshoe bats and the LEMP has been compiled to ensure the establishment of landscape features and coherent ecological network. In particular to enhance connectivity across the site	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical

	<p>developments subject to landscape and ecological enhancements promoted by the Policy (PNP21 d)). Therefore an AA has been carried out on a precautionary basis.</p> <p>The site lies within the South Hams SAC greater horseshoe bat sustenance zone. It provides suitable foraging and commuting opportunities for bats in form of grassland and hedgerows habitats. Connectivity to surrounding habitats is good as most of the surrounding areas consists of rural fields.</p> <p>A number of bat surveys¹³ showed that the area was regularly used by greater horseshoe bats, although activity levels were considered to be generally low. The surveys indicated that greater horseshoe bats more frequently used the woodland edge within the site and also the hedgerow. The site was likely to be used for commuting, rather than foraging.</p> <p>Natural England state that they will not object to the scheme subject to suitable mitigation being secured.</p>			<p>for foraging and commuting bats including greater horseshoe bats.</p> <p>The mitigation and enhancement strategy would be controlled through the provision of: Additional planting hedgerows using native species to enhance foraging opportunities for bats; The provision of a purpose designated and managed flyway across the landscape provides sufficient compensation for the loss of low quality foraging habitats; A sensitive lighting scheme will be implemented on the site, to include directional lighting away from retained trees and green corridors. Light levels should not increase by more than 0.5 lux as a result of development; Consideration will also be given for enhancing the site for bats through installing bat roosting features on to building and retained trees and additional planting including night-scented plant species such as honeysuckle¹⁴.</p>	<p>Summary (2017); Tyler Grange (2017); & Ecosulis (2016)</p>
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¹³ Tyler Grange (2017) & Ecosulis (2016)

¹⁴ Ecosulis (2016)

PNP22 Western Corridor	<p>Policy PNP22's primary focus is to promote sustainable development, in conjunction with Policies SS6.2 (ii), SS6.8 and TA1 of the Local Plan. Nevertheless PNP22 could support cyclepaths/footpaths, park and ride facilities and associated infrastructure that could potentially affect HRA species.</p> <p>PNP22 is likely to be relatively small scale in nature as the Local Plan sets a strategic framework for the Western Corridor. However criteria b) supports the principle of a park and ride facility although a specific site is not identified. Such a proposal would require HRA screening/AA at a project level.</p>	No	Yes	<p>Development specifically supported in</p> <ul style="list-style-type: none"> • Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted. • Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC. • Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site. 	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)
PNP24 Collaton St Mary	<p>The area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway.</p> <p>Policy PNP24 Collaton St Mary village does not allocate the area for development- this is done by Proposals SS2 and SDP3 of the Torbay Local Plan 2012-30. Policy PNP24 (as Modified by the Independent Examiner) seeks to guide the already allocated development in accordance with the adopted Masterplan Supplementary Planning Guidance principles, including</p>	No	Yes	<p>The South Hams SAC Mitigation measures should include:</p> <ul style="list-style-type: none"> • provision of landscape buffers between development and areas of semi-natural vegetation in the valley; • control of light spill; • mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley; • retention, where appropriate, of features through development that are likely to be used by 	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017); & HRA Site Appraisal Report of Torbay Local Plan Strategic

	<p>a requirement for flood minimisation.</p> <p>Development of the area could result in loss of semi-natural vegetation and/or introduction of new light sources, albeit that the PNP adds significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.</p> <p>The site also lies within flood risk zone. The level of growth in these sites could potentially have negative impact on Lyme Bay and Torbay Marine SAC.</p>			<p>GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.</p> <p>The Lyme Bay and Torbay Marine SAC: Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.</p>	<p>Delivery Areas (2014)</p>
<p>PNP25 Clennon Valley.</p>	<p>Clennon Valley lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway.</p> <p>Policy PNP25 Clennon Valley is not a proposal for development, but rather focuses on retention and enhancement of the natural landscape character and biodiversity, including the natural waterway. Nevertheless criteria e) refers to all weather tourist attractions, albeit in the context of environmental safeguards in earlier criteria of the policy.</p> <p>Development of the area could result in loss of semi-natural vegetation and/or introduction of new light sources in</p>	No	Yes	<p>Note that Clennon Valley's relationship with the two SACs is similar to Collaton St Mary, and therefore mitigation measures are also similar- although the level of development in the two areas is likely to be different. The South Hams SAC Mitigation measures should include:</p> <ul style="list-style-type: none"> • provision of landscape buffers between development and areas of semi-natural vegetation in the valley; • control of light spill; • mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley; • retention, where appropriate, of features through development that are likely to be used by 	<p>PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017); & HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery A</p>

	<p>Clennon Valley, albeit that the policies contain significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis. Policy PNP25 sits alongside Local Plan Policy SDP4 Clennon Valley Leisure Hub, which sets out requirements in relation to European sites.</p> <p>The area also lies within flood risk zone. Significant development could potentially have negative impact on Lyme Bay and Torbay Marine SAC; Policy PNP25 is clear that the natural waterway should be retained and enhanced.</p>			<p>GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.</p> <p>The Lyme Bay and Torbay Marine SAC: Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.</p>	
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