

22 July 2019

## **EXECUTIVE**

A meeting of the **Executive** will be held on **Tuesday, 30th July, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors G Hook (Leader), Dewhirst (Deputy Leader), Connett, Jeffries, MacGregor, Taylor and Wrigley

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **A G E N D A**

### **Part I**

1. **Apologies for absence**
2. **Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting held on 1 July 2019.
3. **Matters of urgency/matters of report brought forward with the permission of the Leader**
4. **Declarations of Interest**

5. **Public Questions (if any)**

Members of the Public may ask questions of the Leader or a Portfolio Holder. A maximum period of 15 minutes will be allowed with a maximum of period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

6. **Armed Forces Covenant** (Pages 7 - 8)

7. **Local Plan Review – 5 Year Position Statement** (Pages 9 - 28)

8. **South Hams Greater Horseshoe Bat SAC – HRA** (Pages 29 - 64)

9. **Executive Forward Plan** (Pages 65 - 70)

To note forthcoming decisions anticipated to be made by the Executive over the next 12 months.

**Part II: Items suggested for discussion with the press and public excluded**

NIL

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## **EXECUTIVE**

### **1 JULY 2019**

#### Present:

Councillors G Hook (Leader), Dewhurst (Deputy Leader), Connett, J Hook, Jeffries, Macgregor, Taylor and Wrigley

#### Members in Attendance:

Councillors Bradford, Bullivant, Clarence, Colclough, D Cox, Haines, Keeling, Mullone, J Petherick, L Petherick, Purser and Russell

#### Officers in Attendance:

Phil Shears, Managing Director  
Martin Flitcroft, Chief Finance Officer  
Tony Watson, Interim Head of Commercial Services  
Donna Best, Estates & Development Manager  
Tom Butcher, Senior Estates & Development Surveyor  
Trevor Shaw, Senior Planning Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

## **41. MINUTES**

There were comments from Non-Executive Members regarding the accuracy of the minutes of the meeting on 6 June 2019 and what should be included in the minutes.

Minutes of the meeting on 6 June 2019 subject to the amendment to Minute No. 35 Artificial 3G Pitch, Coach Road, Newton Abbot to delete the following:-

*'Councillor Daws declared an interest in respect of objecting to the planning application.*

*Councillor Bradford declared an interest as she lived in the vicinity.'*

They were confirmed, approved and signed as correct record.

## **42. DECLARATIONS OF INTEREST**

Councillor Taylor declared an interest in respect of Minutes no.44 (South Hams Greater Horseshoe Bat SAC – HRA) as a Member of the Campaign to Protect Rural England (CPRE).

#### **43. 2018/19 DRAFT FINAL ACCOUNTS & TREASURY MANAGEMENT**

The Portfolio Holder for Corporate Resources presented the report on the 2018/19 draft final accounts and treasury management. He informed Members that the external Auditors Grant Thornton due to unforeseen pressures would not be able to undertake the final accounts audit in July. Therefore the approval of the final accounts would be later than anticipated possibility late September 2019. Grant Thornton would issue the Council a letter of exoneration. There would be no penalty to the Council for this delay.

Member's attention was brought to the 2018/19 draft revenue results and budget variations, the draft final capital programme for 2018/19 and future years and the treasury management results and lending list.

In response to a non-Executive Member question regarding details of the Council's Short and Long Term debt for the financial period, the Portfolio Holder for Corporate Resources commented that the 18/19 accounts identified the capital financing requirement for the Council which was the underlying need to borrow. This was due to the purchase of Market Walk which had been financed from capital reserves, further schemes that were agreed by Council in February 2019 amounted to £36.134 million for 19/20 to 21/22. Additionally, as reported to the Audit Scrutiny Committee in April, the Council's capital borrowing requirement over the period 19/23 could be £45 million if all the proposed schemes were approved. Therefore adding the £45 million reported at Audit Committee Scrutiny to the £17.163 million for Market Walk together came to £62.163 million.

Members thanked officers for the work that had been undertaken on the accounts.

The Portfolio Holder for Corporate Resources proposed and the Leader seconded the recommendation.

**RESOLVED** that the:-

- (1) draft revenue results be noted;
- (2) draft year end capital and updated programme at appendix 1 be approved; and
- (3) updated lending list at appendix 2 be noted.

**RECOMMENDED** to Full Council;

- (1) that the draft treasury management results for 2018/19 at appendix 3 be noted.

#### **44. SOUTH HAMS GREATER HORSESHOE BAT SAC – HRA**

**RESOLVED** that the report be deferred for further information to be brought forward.

**45. TEIGN HOUSING CLAWBACK AGREEMENT**

The Portfolio Holder for Corporate Resources presented the report to vary the clawback terms of the Development Clawback agreement with Teign Housing.

In response to a Member, the Portfolio Holder for Corporate Resources commented that the funds were not earmarked and all priorities were being investigated.

The Portfolio Holder for Corporate Resources proposed the recommendation, this was seconded by the Leader.

**RESOLVED** that:-

- 1) the proposed variation of the Development Clawback Agreement (dated 4 February 2004 between the Council and Teign Housing) outlined in Section 3 of the report be approved; and
- 2) £129,900 in settlement of the amount due to the Council in respect to properties detailed in paragraph 2.3 of the report be accepted.

**46. EXECUTIVE FORWARD PLAN**

The Portfolio Holder for Climate Change and Housing advised that the Electric Vehicles Policy Report would be considered at the Executive 5 September 2019, this was to enable a consultation process to be undertaken.

**RESOLVED** that the Forward Plan be noted.

**47. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**48. NEWTON ABBOT REDEVELOPMENT - SHERBORNE HOUSE**

The Portfolio Holder for Corporate Resources outlined the proposal for Sherborne House, Newton Abbot.

The Portfolio Holder for Corporate Resources proposed the recommendation, this was seconded by the Leader.

**RECOMMENDED** that Full Council approved recommendations (1) and (2) as per the circulated report; and

**RESOLVED** that recommendations (3), (4), (5) and (6) as per the circulated report be approved.

**49. NEWTON ABBOT REDEVELOPMENT - BRADLEY LANE**

The Portfolio Holder for Corporate Resources outlined the proposals for the redevelopment of Bradley Lane, Newton Abbot.

The Portfolio Holder for Corporate Resources proposed the recommendation, this was seconded by the Leader.

**RESOLVED** that the development brief and actions in section 4 of the circulated report be approved.

**50. BRUNSWICK STREET, TEIGNMOUTH**

The Portfolio Holder for Corporate Resources outlined the proposals for the redevelopment of Brunswick Street, Teignmouth.

The Portfolio Holder for Corporate Resources proposed the recommendation, this was seconded by the Leader.

**RESOLVED** that the recommendations (1) and (2) as in the report be approved; and

**RECOMMENDED** that Full Council approved recommendations (3) and (4) of the circulated report.

Chairman

## EXECUTIVE

LEADER: Cllr Gordon Hook

PORTFOLIO HOLDER: Cllr Martin Wrigley

**DATE:** 30<sup>th</sup> July 2019

**REPORT OF:** Interim Head of Service Delivery and Improvement

**SUBJECT:** Armed Forces Covenant

### PART I

#### RECOMMENDATIONS

The Executive is recommended to:

1. Develop a Teignbridge Armed Forces Covenant

#### 1. PURPOSE

- 1.1 To recognise that Teignbridge Council has signed the Armed Forces Covenant and, as a result of this, agree to develop a Teignbridge Armed Forces Covenant

#### 2. BACKGROUND

- 2.1 The Armed Forces Covenant was introduced in 2011. It is a “promise by the nation ensuring that those who serve or have served in the Armed Forces, and their families, are treated fairly”. The Covenant focusses on helping members of the Armed Forces Community “have the same access to government and commercial services and products as any other citizen”.

The covenant focusses on helping members of the armed forces community have the same access to government and commercial services and products as any other citizen. This may include: education and family wellbeing, having a home, starting a new career, access to healthcare, financial assistance and discounted services.

It also enables access to the Covenant Fund to support projects that benefit the Armed Forces and the community in which they live.

- 2.2 Teignbridge signed the covenant with Devon County Council and Torbay Council on 16<sup>th</sup> May 2016. At that time we did not develop a locally based “Teignbridge Armed Forces Covenant” to support this initiative and currently there is no action plan to embed and deliver the covenant across the authority.
- 2.3 The Council has appointed Cllr Richard Keeling to the role of Armed Forces Covenant Champion

## TEIGNBRIDGE DISTRICT COUNCIL

### 3. MAIN IMPLICATIONS

- 3.1 There are no financial implications at this time. Any financial implications will depend upon the content of the protocol and the action plan which accompanies it

### 4. CONCLUSION

- 4.1 In recognition that the Council has signed the covenant and the need to support our armed forces community, the Executive are asked to resolve to develop a Teignbridge Armed Forces Protocol and action plan.

<b>Wards affected</b>	All
<b>Contact for any more information</b>	<i>Amanda Pujol, Interim Head of Service Delivery and Improvement, 01626 215301</i>
<b>Background Papers (For Part I reports only)</b>	<a href="https://www.armedforcescovenant.gov.uk/">https://www.armedforcescovenant.gov.uk/</a>
<b>Key Decision</b>	N
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	N

## EXECUTIVE

LEADER: Cllr Gordon Hook

PORTFOLIO HOLDER: Cllr Gary Taylor

**DATE:** 30 July 2019

**REPORT OF:** Business Manager Strategic Place

**SUBJECT:** 5 Year Review of the Teignbridge Local Plan

### PART I

#### RECOMMENDATIONS

**The Executive is recommended to  
Resolve**

**That the conclusions of the 5 Year Review of the Teignbridge Local Plan attached to this report are confirmed.**

#### 1. PURPOSE

1.1 To consider a 5 year review of the adopted Teignbridge Local Plan 2013-2033 which determines whether the policies contained within it are up to date and effective, as required by the local plan regulations and the National Planning Policy Framework.

#### 2. BACKGROUND

- 2.1 In 2017 a new requirement was included in the Local Plan Regulations that a local plan should be reviewed 5 years from its adoption to determine whether the policies of the plan need updating. The review should take into account a number of factors, including changing circumstances affecting the area and changes to national policy, in particular relating to the need for housing in the area.
- 2.2 The Teignbridge Local Plan 2013-2033 was adopted on 6<sup>th</sup> May 2014. The review therefore became due in May 2019.
- 2.3 Members should note that the term “review” in this context means that the council prepares a statement setting out whether the plan needs updating. Unfortunately the terminology can be somewhat confusing, since “review” is also often used to describe the process of amending and updating a local plan (such as our proposed “Teignbridge Local Plan Review”). This is unfortunate since the processes are distinctly different, albeit somewhat linked. Officers will

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be considering whether to rename the Teignbridge Local Plan Review to minimise confusion.

- 2.4 The Review document itself is attached to this report as Appendix A.

### 3. MAIN IMPLICATIONS

#### **Whether or not the Local Plan is considered up to date**

- 3.1 A plan does not automatically become out of date once it reaches 5 years old. The requirement to review is there to ensure that the policies of the plan remain effective and are consistent with higher level policy contained in the National Planning Policy Framework.
- 3.2 There is guidance provided within the National Planning Practice Guidance as to how to carry out the 5 year review of the Local Plan. This sets out the factors that should be taken into account and are listed in section A paragraph 1.1 of the attached review in Appendix 1. The review discusses these in turn and concludes that, for the most part, the policies of the plan remain up to date and consistent with national policy. As such, the Local Plan will continue to be used as the starting point for determining planning applications (alongside any relevant adopted Neighbourhood Development Plans which also form the development plan for the area).
- 3.3 However, the review notes in section A paragraph 2.1 that there are three main areas where the Local Plan diverges from National Policy and as such require consideration during the Local Plan update. These relate to policies S1A (Presumption in Favour of Sustainable Development), S4 (Land for New Homes) and WE2 (Affordable Housing Site Targets).

#### **Local Housing Need**

- 3.4 The main implications relate to local housing need. The NPPF amends the policy on calculating housing need by replacing the previous general guidance for local authorities on how to determine “Objectively Assessed Need” for housing with a specific, nationally set, formula. This new approach, known as the standard method, currently results in an annual housing need calculation of 760 homes per year. This is an increase of 23% above the local plan target of 620. Paragraph 31 of the NPPF states that “*relevant strategic policies will need updating at least every 5 years if their applicable local housing need figure has changed significantly*”.
- 3.5 The Council Leader has written to the Prime Minister stating that the new approach to defining housing need is not appropriate and should be amended.
- 3.6 As this uplift is a ‘significant’ change, there is a clear need to update the Local Plan to take account of the new housing need calculation.
- 3.7 Members will be aware that the council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement. If a five year

## TEIGNBRIDGE DISTRICT COUNCIL

supply cannot be identified, then the “presumption in favour of sustainable development” applies, reducing the weight to be attached to key local plan policies such as defined settlement limits. This would create the risk of more ad hoc development decisions and “planning by appeal”.

- 3.8 The Local Plan has a housing target of 620 homes per year, and currently we can show a housing supply in excess of five years against this target (see Section B of the attached appendix). Therefore, our decisions on planning applications have been able to apply full weight to our local plan policies.
- 3.9 However, as the Local Plan is considered to require updating as a result of the 5 year review, then the target to be used will be the government’s standard method calculation, which is currently 760 homes per year. At present we also can identify a 5 year supply against this higher target. However, clearly the supply in terms of years is reduced.
- 3.10 It should also be noted that there are similar implications for the “Housing Delivery Test” which measures housing completions against targets, looking back rather than forward. We have met the various requirements of the test, but, as for future five year supply statements, the higher housing need target will have an impact on that in future years.

### **Other Policies**

- 3.11 Policy S1A was a standard policy recommended by the Planning Inspectorate, which incorporated the 2012 version of the presumption in favour of sustainable development within the plan. It is now out of line with the most recent NPPF in terms of how the presumption works, and it is no longer a recommended standard policy. In these circumstances, the policy requires updating.
- 3.12 Policy WE2 sets the “thresholds” used to seek affordable housing in rural and urban areas. The Local Plan seeks affordable housing on sites of “more than 4” homes. This is in line with the national indicative threshold of 5 dwellings or more in rural areas. However, it is lower than the 10+ dwelling threshold in urban areas. The policy will need to be considered during the Local Plan update.

### **Updating the Local Plan and Greater Exeter Strategic Plan**

- 3.13 The Council has agreed to consider housing strategy jointly with our neighbouring Greater Exeter councils through the preparation of a joint statutory plan known as the Greater Exeter Strategic Plan (GESP). This will take account of new information on housing need across the wider area, and include decisions on overall strategic distribution. It is currently expected that this work will be completed in around 2022. An updated Local Plan will follow on alongside the GESP with a view to also being in place by the end of 2022.
- 3.14 Even though the review concludes that the local plan needs updating specifically in relation to housing need (policy S4) our five year supply position against the new housing need target gives us sufficient time to carry out that review via the GESP and the Local Plan update in accordance with this broad

## TEIGNBRIDGE DISTRICT COUNCIL

timetable. However, any significant delay would risk eroding our position with unfortunate consequences for both supply and delivery calculations.

3.15 The timetable, subject to any further changes, is contained in the following table.

Greater Exeter Strategic Plan	Teignbridge Local Plan First Review
<ul style="list-style-type: none"><li>• February 2017 – Issues Consultation (Regulation 18) (complete)</li><li>• June 2019 – Draft Policies and Site Options</li><li>• Nov 2019 – Full Draft Plan</li><li>• Feb 2021 – Proposed Submission (Regulation 19)</li><li>• July 2021 – Submit Plan</li><li>• September 2021 – Examine Plan</li><li>• April 2022 – Adopt Plan</li></ul>	<ul style="list-style-type: none"><li>• May 2018 – Issues Consultation (Regulation 18) (complete)</li><li>• March 2020 – Draft Plan</li><li>• April 2021 – Proposed Submission (Regulation 19)</li><li>• March 2022 – Submit Plan</li><li>• June 2022 – Examine Plan</li><li>• Dec 2022 – Adopt Plan</li></ul>

### Legal Implications

3.16 The 5 year review is a legal requirement. Guidance on how to carry out that review is contained in the NPPF and associated online practice guidance. Once carried out, and subject to Executive confirmation and call-in, the review will be published on the council website in accordance with the regulations.

## 4. GROUPS CONSULTED

4.1 None.

## 5. TIME-SCALE

5.1 The 5 Year Review will be published on the website once confirmed by the Executive, subject to call-in. The housing need figure of 760 (and any subsequent calculation of housing need in accordance with the standard method) will be applied to 5 year housing land supply calculations and Housing Delivery Tests from that date.

## 6. FINANCIAL IMPLICATIONS

6.1 The costs associated with updating the Local Plan and preparing the Greater Exeter Strategic Plan have previously been agreed and included within the Council's budget.

## 7. JUSTIFICATION

## TEIGNBRIDGE DISTRICT COUNCIL

- 7.1 Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Further guidance is contained in the NPPF and Practice Guidance. The 5 Year Review contains the full justification for considering that parts of the Local Plan require updating.

### 8. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

Tuesday 30 July 2019 at 10.am.

**Simon Thornley**  
**Business Manager, Strategic Place**

**Cllr Gary Taylor**  
**Portfolio Holder for Planning and Housing**

BELOW TO BE FILLED IN BY REPORT AUTHOR:

<b>Wards affected</b>	All outside Dartmoor NP
<b>Contact for any more information</b>	Michelle Luscombe
<b>Background Papers (For Part I reports only)</b>	Teignbridge Local Plan
<b>Key Decision</b>	N
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	A: 5 Year Review of the Teignbridge Local Plan

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## Section A

### 5 Year Review of the Teignbridge Local Plan

May 2019

#### 1. What is the Teignbridge Local Plan 5 Year Review?

1.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to review the need to update the policies of their Local Plans every 5 years. National Planning Practice Guidance states that the review should take into account:

- conformity of the plan with national planning policy;
- changes to local circumstances (particularly a significant change in Housing Need);
- our Housing Delivery Test performance;
- whether we can demonstrate a 5 year supply of deliverable sites for housing;
- our appeals performance;
- success of policies against indicators in the Development Plan as set out in the Authority Monitoring Report;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need; and
- significant economic changes that may impact on viability.

1.2 The Teignbridge Local Plan 2013-2033 was adopted on 6<sup>th</sup> May 2014. On 6<sup>th</sup> May 2019 it became 5 years old and therefore triggered the need to review its effectiveness.

1.3 National Planning Practice Guidance makes clear that a plan does not automatically become out of date once it reaches 5 years old. The requirement to review is there to ensure that the policies of the plan remain effective and are consistent with higher level policy contained in the National Planning Policy Framework.

#### 2. Relevant changes since Local Plan adoption

##### *Conformity of the plan with national planning policy*

2.1 Over the past few years, there have been various changes to national policy via the revisions to the National Planning Policy Framework (NPPF) and the Neighbourhood Planning Act 2017 Regulations 2018. A review of these changes has demonstrated that in general the policies of the Teignbridge Local Plan 2013-2033 comply with national policy and legislative changes. The main areas where further consideration need to be given are addressed in the following bullet points.

- The minimum number of homes needed should be determined using the standard method in national planning guidance (in all cases other than exceptional circumstances). This calculation applies where the Local Plan

is more than 5 years old. This factor is considered in more detail within the next section. It is the main area which leads to the conclusion that a local plan update is needed.

- A new Housing Delivery Test (HDT) has been introduced to monitor progress in housing delivery. The calculation is expressed as a % by comparing housing completions over the last three years with the relevant figure(s) for housing need over the same period. Where delivery falls below 95% of need an action plan to improve housing delivery should be prepared. Where it falls below 85% a buffer of 20% needs to be added to the 5 year land supply calculations. The presumption in favour of sustainable development would apply to housing applications where it falls below 75%.
- The NPPF amends the policy on affordable housing to codify a national policy that affordable housing should not be sought for residential developments that are not major developments (i.e. 10 dwellings or more). In designated rural areas, policies may set a lower threshold of 5 units or fewer. Most of the district is classified as rural, and here the local plan applies an NPPF compliant threshold. However, within the non-rural areas, the local plan threshold is now below the one set out in the NPPF. This variation is, however, already being addressed through the decision making process, where affordable housing contributions requested on applications within the named settlements take account of this national policy but also to local housing affordability circumstances. A local plan update would be able to address this matter in the round.
- The local plan contains a policy S1A which describes the “presumption in favour of sustainable development” as it was at the time of the plan adoption. This approach is now out of kilter with the new NPPF version and is therefore no longer up to date. It is likely that the policy would be removed from the plan as part of an update.

*Changes to local circumstances (such as a change in Local Housing Need);*

- 2.2 Since the adoption of the Local Plan in 2014, the key change in local circumstance has been a change in housing need, taking account of the new approach to its calculation. This is outlined in more detail below. Other main issues which were the background to the preparation of the local plan are set out in paragraph 1.7 of the Local Plan. It is considered that these remain the key issues, and continue generally to be addressed effectively through the plan’s policies.
- 2.3 Policy S4 makes provision for a total of 12,400 homes over the 20 year period of the plan. This is based on an annual average housing need of 620 homes. This was calculated by consultants acting for the council following the national policy and guidance prevailing at the time. The Local Plan Inspector confirmed that the figure was appropriate, based on that national policy and guidance.

2.4 However, national policy has changed and the 2018 version of the NPPF introduced a new method for calculating housing need. Instead of a general guide, there is now a specific formula using nationally published data which local plans are expected to follow. This approach, known as the standard method, currently results in an annual housing need calculation of 760 homes per year, an increase of 23% above the local plan target of 620. Paragraph 31 of the NPPF states that “*relevant strategic policies will need updating at least every 5 years if their applicable local housing need figure has changed significantly*”.

2.5 The National Planning Practice Guidance (NPPG) provides further detail on whether strategic policies need reviewing on the basis of changes in housing need. It states:

*“Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible”.* Paragraph: 062 Reference ID: 61-062-20190315

2.6 It is therefore clear that the local plan will need updating to reflect this new situation. There has been a significant change in the level of housing need since the adoption of the Local Plan. The strategic policies which deal with housing need (Policies S4, S21A and S22) will require updating as part of the wider review forming part of the Greater Exeter Strategic Plan, which will lead to the need to review and update the suite of housing allocations within the plans.

2.7 This conclusion has an immediate impact on the consideration of housing planning applications, as it impacts on the calculation of the five year supply. Footnote 37 to paragraph 73 of the NPPF is key. Essentially, the five year supply and housing delivery test calculations will be undertaken on the basis of the housing need standard method (currently 760 homes per year) rather than the local plan target. This is explained further in the relevant section below.

*Housing Delivery Test performance;*

2.8 The introduction of the Housing Delivery Test (HDT) requires us to measure our past housing completions against the targets which applied. The implications for falling below 75% of need are significant. Teignbridge’s performance has been above 100% in the latest published figures, indicating no issue against the HDT.

*Whether we can demonstrate a 5 year supply of deliverable sites for housing;*

2.9 The National Planning Policy Framework (NPPF), requires that Local Planning Authorities “*identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement.*” The housing requirement contained in the adopted Local Plan

## Appendix 1

2013-2033 is based on the objectively assessed need (OAN) prepared in a Strategic Housing Market Assessment (SHMA) which was agreed by the Local Plan Inspector. This figure was set at 620 homes per year.

2.10 The 2019 '5 Year Housing Land Supply Statement' included in Section B, Appendix 1 shows that we would be able to demonstrate a healthy land supply equating to 8.7 years' worth of deliverable sites against the local plan target of 620.

2.11 However, paragraph 73 and footnote 37 of the NPPF states that in circumstances like those which apply in Teignbridge, future five year supply calculations will need to use the standard methodology;

*"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies<sup>36</sup>, or against their local housing need where the strategic policies are more than five years old<sup>37</sup>.*

*<sup>36</sup> For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.*

*<sup>37</sup> Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance."*

2.12 Section B of Appendix 1 includes this calculation, which shows that we have a 6.82 years supply under these circumstances. For the moment, therefore, there is no implication arising for decisions on planning applications for new housing, where the plan-led system will continue to be applied.

*Our appeals performance;*

2.13 Over the last 5 years since the adoption of the Local Plan, 32.5% of appeals have been allowed on average each year. This is only marginally higher than the Council's target of 30%, and about the same as the national average, and therefore not cause for concern.

*Success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*

2.14 The Council's latest Authority Monitoring Report was published in December 2018. The report assesses performance against Local Plan policies and shows that in all but two areas, policy targets are being met or exceeded. These two areas are:

- Land for Business, General Industry and Storage: policy target is not being met but progress is being made. Many of the Local Plan's allocated employment sites are linked to allocated housing developments which have taken time to get permission and several also rely on enabling infrastructure (such as access and services) to make their delivery viable.

We have a significant amount of employment land now approved and expect sites to start being built out in the near future.

- Retail and town centre uses: policy targets are not being met. The amount of new retail floorspace permitted in Newton Abbot town centre suggests we are currently not on track to deliver the 11,000sqm target by 2021 as set out in the Local Plan. However, the Council is an active landowner within the town centre and is in the process of preparing masterplans for part of the town's redevelopment which will help to secure a significant proportion of this requirement. In addition, the local plan notes that the need calculations should be updated within 3 years of the plan's adoption, which has not yet been undertaken. In the light of these issues, there will be a need to update the retail policies taking account of new information and evidence.

*Plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;*

- 2.15 The council has agreed to prepare a joint statutory plan with East Devon, Exeter and Mid Devon, known as the Greater Exeter Strategic Plan. This plan, which is due to be adopted in about 2022, is the vehicle for duty to cooperate discussions over development strategy across the wider area.

*Significant economic changes that may impact on viability.*

- 2.16 There have been no significant economic changes that may impact on the overall viability of the plan.

### **3. Do we need to update the adopted Teignbridge Local Plan 2013-2033?**

- 3.1 The above section has demonstrated that in general the Teignbridge Local Plan 2013-2033 remains an effective plan which is meeting many of the needs of the district, despite the various national policy changes introduced since the plan was adopted. We continue to be able to demonstrate a 5 year housing land supply, even with an uplift in housing need, and are maintaining, and expect to continue maintaining, our housing delivery target. The Local Plan was prepared in the context of the 2012 National Planning Policy Framework, the main emphasis of which has not been changed by the 2018 and 2019 revisions.
- 3.2 However, the significant change in housing need as a result of the new national policy means that this aspect of the plan can now be considered in need of updating. The council has agreed to consider this matter jointly with our neighbouring Greater Exeter councils through the preparation of a joint statutory plan known as the Greater Exeter Strategic Plan (GESP). This will take account of new information on housing need across the wider area, and include decisions on overall strategic distribution. It is currently expected that this work will be completed in around 2022.

## Appendix 1

- 3.3 Together, these plans will update and amend the adopted Local Plan and roll it forward to cover the period to 2040. The positive position in relation to our five year supply and Housing Delivery Test gives Teignbridge a window of opportunity to carry out these updates in a coordinated manner while not moving away from the plan-led system.

## Section B

### 5 Year Housing Land Supply Statement as at April 2019

#### 1. Local Housing Need

- 1.1 The National Planning Policy Framework (NPPF), requires that Local Planning Authorities “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement.” This Land Supply Statement sets out the position on the five year supply at April 2019 using the standard method which is 760 per year.
- 1.2 For information purposes only, it also provides an assessment of our 5 year land supply against the figure of 620, which was our previous target.

#### 2. 5 Year Housing Land Supply

- 2.1 The following shows the number of homes required for the next five years:

*Table 1a: 760 target*

Completions Required: 2019 to 2024	$760 \times 5 = \mathbf{3,800}$
------------------------------------	---------------------------------

*Table 1b: 620 previous target*

Completions Required: 2013 to 2033	$620 \times 20 = \mathbf{12,400}$
Completions Achieved: 2013 to 2019	<b>4,060</b>
Remainder required 2019 to 2033	<b>8,340</b>
Annual completions required 2019 to 2033	<b>596</b>
Completions Required 2019 to 2024	<b>2,980</b>

- 2.2 To the completions required we must add a “buffer” in accordance with NPPF advice, this requires that local planning authorities identify an additional buffer of either 5% to ensure choice and competition in the market for land, or 20% for authorities who persistently under deliver (as measured by the Housing Delivery Test). Housing delivery has been above the local plan target in each year since 2013, exceeding the relevant requirement within the Housing Delivery Test, and therefore the 5% buffer applies. Therefore the actual required housing land supply is:

*Table 2a: 760 target*

Five year housing land supply requirement + 5%	$(3,800) \times 105\% = 3,990$ dwellings
--	--

*Table 2b: 620 previous target*

Five year housing land supply requirement + 5%	$(2,980) \times 105\% = 3,128$ dwellings
--	--

### 3. Deliverable Land Supply & Forecast Net Additions

- 3.1 The updated (February 2019) NPPF states to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:
- 3.2 Sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plan).
- 3.3 Where a site has outline planning permission for major development has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.
- 3.4 In calculating the deliverable supply of land we have an agreed joint methodology (with East Devon Council, Exeter City Council, Mid Devon Council, Dartmoor National Park and Devon County Council) that addresses the expected annual rate of development from a permitted site. The basic assumption is that each sales outlet will complete 50 dwellings per annum on average in normal market conditions. However, on some sites this is adjusted based on agent/developer, other relevant advice, or evidence of recent local delivery. It is assumed that on large sites of more than 500 dwellings there will be at least two sales outlets. On sites of more than 1,000 it is assumed that there may be 3 or more outlets.

### 4. Allocations

- 4.1 To date 5,370 dwellings (total numbers not just within the next 5 years) within allocated sites have now secured planning permission (including pending Section 106) and further planning applications have been submitted for several allocated areas. Interests in other allocation areas have been acquired by developers and are currently in pre-application negotiation. Table 5 summarises the position over the next 5 years within the allocations;

4.2 Based on the delivery trajectory for allocations, as updated to reflect developer discussions, allocated areas will contribute 4,199 dwellings to the land supply in the period April 2019 to March 2024 (see allocations totals table – Table 5).

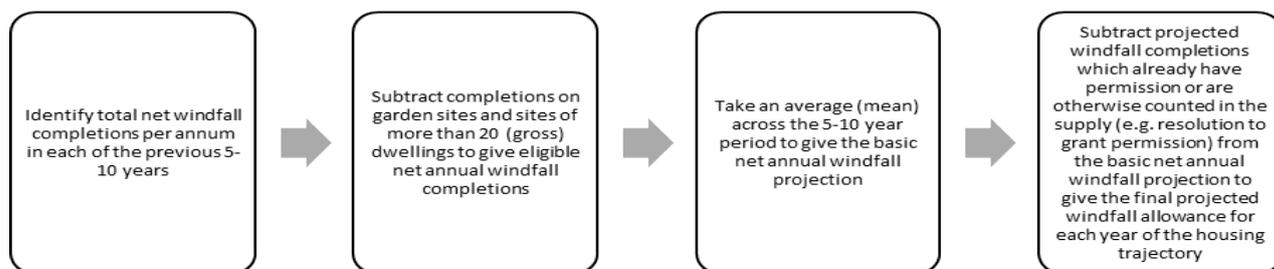
## 5. Windfalls

5.1 The NPPF makes provision for the inclusion of windfalls in the calculation and we have evidence of an ongoing supply of windfalls, largely through change of use, conversion and subdivision of existing buildings. Windfall conversion and change of use developments tend to be completed fairly rapidly with shorter site servicing times and fewer reserved matters to be considered following permission.

5.2 The average number of windfalls in Teignbridge over the past 10 years is 145 dwellings. Over the past 5 years, 144 windfall dwellings have been completed on average per annum. The latter figure has been applied as the more cautious windfall allowance that is backed by compelling evidence of ongoing windfall delivery. Figure 1 further explains the approach to providing a final projected windfall allowance for each year covered in this statement.

5.3 Having taken into account projected windfall completions that already have planning permission or are otherwise counted in the supply, a windfall allowance of 144 dwellings over the 5 years to 2023/24 has been applied, as shown at Table 3.

Figure 1: calculating the windfall allowance



## 6. Five Year Land Supply Summary and Calculation

6.1 The following tables confirms the Five Year Land Supply

Table 3: Five Year Forward Look

Year	19/20	20/21	21/22	22/23	23/24	Totals
<b>Past Completions 13-19</b>	4060					
Allocations with planning permission	221	439	609	680	544	<b>2,493</b>
Allocations without planning permission	94	235	273	544	560	<b>1,706</b>
Other planning permission	127	127	27	0	0	<b>291</b>
Windfalls	537	17	107	144	144	<b>949</b>
<b>Total Land Supply</b>	<b>979</b>	<b>818</b>	<b>1,026</b>	<b>1,368</b>	<b>1,248</b>	<b>5,439</b>

Table 4a: Land Supply Calculation – 760 target

<b>Teignbridge Local Plan 2013 to 2033</b>		
A	<b>NEW</b> Total Plan Period Requirement (760 X 5)	3,800
B	plus 5%	3,990
C	Five year supply of deliverable sites Apr 19 to Apr 24	5,439
D	<b>Five Year Housing Land Supply ((B/C)*5 years)</b>	<b>6.82</b>

Table 4b: Land Supply Calculation – 620 previous target

<b>Teignbridge Local Plan 2013 to 2033 – 620 target</b>		
A	Total Plan Period Requirement (620 x 5)	12,400
B	Average Annual Requirement until 6 May 2019	620
C	Required Completions to date (620 x 5)	3,100
D	Achieved Completions previous years	4,060

## Appendix 1

E	Residual requirement (14 years) (A - D)	8,340
F	Residual requirement per annum (E ÷ 14 years remaining)	596
G	Five Year requirement	2,979
H	plus 5%	3,128
I	Five year supply of deliverable sites Apr 19 to Apr 24	5,439
J	<b>Five Year Housing Land Supply ((I/H)*5 years)</b>	<b>8.7</b>

Based on these build out rates, as shown in the Five Year Land Supply Trajectory, the forward five year housing land supply at April 2019 is 5,439 dwellings (as shown in table 3), which equates to **6.82** years (760 target) and 8.7 years (620 previous target) worth of deliverable sites.

## 7. Land Supply Trajectory

Table 5: Allocations Totals

Allocations (approved and allocated)	19/20	20/21	21/22	22/23	23/24	Total	remaining
<b>NA1 Houghton Barton</b>							<b>789</b>
approved	90	52	61	20	0	<b>223</b>	
allocated no permission	0	0	120	120	120	<b>360</b>	
<b>NA2 Whitehill</b>							<b>174</b>
approved	0	25	50	50	50	<b>175</b>	
without permission	0	0	0	0	0	<b>0</b>	
<b>NA3 Wolborough</b>							<b>1280</b>
approved	15	5	0	0	0	<b>20</b>	
allocated no permission	0	0	25	190	230	<b>445</b>	
<b>NA3A Beverley Way</b>							<b>15</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	0	0	5	0	0	<b>5</b>	
<b>NA6 Bradley Barton</b>							<b>0</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	50	54	0	0	0	<b>104</b>	
<b>NA9 Town Centre</b>							<b>70</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	0	0	0	50	25	<b>75</b>	
<b>NA10 Bradley Lane</b>							<b>0</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	40	115	0	0	0	<b>155</b>	

## Appendix 1

<b>BT1 Dean Park</b>							<b>53</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	0	0	25	42	0	<b>67</b>	
<b>BT2 Bradley Bends</b>							<b>0</b>
approved	0	20	0	0	0	<b>20</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>BT2A North of Indio House</b>							<b>0</b>
approved	14	14	0	0	0	<b>28</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>BT3 Challabrook</b>							<b>145</b>
approved	0	0	25	50	50	<b>125</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KK1 Torquay Road &amp; Embury Road</b>							<b>0</b>
approved	0	0	90	95	0	<b>185</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KK2 Mount Pleasant Road</b>							<b>0</b>
approved	0	0	25	9	0	<b>34</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KK3 rear of Barn Owl</b>							<b>0</b>
approved	0	35	0	0	0	<b>35</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KS3 Abbrook</b>							<b>120</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KS6 Penns Mount</b>							<b>0</b>
approved	50	48	25	50	15	<b>188</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>KS8 Rydon Depot</b>							<b>15</b>
approved	0	0	0	0	0	<b>0</b>	
allocated no permission	0	0	0	0	0	<b>0</b>	
<b>TE3 west Higher Exeter Road</b>							<b>130</b>
with permission	0	0	25	50	50	<b>125</b>	
without permission	0	0	0	0	0	<b>0</b>	
<b>TE4 Brunswick Street</b>							<b>0</b>
with permission	0	0	0	0	0	<b>0</b>	
without permission	0	0	0	15	25	<b>40</b>	
<b>DA2 north west Secmaton Lane</b>							<b>458</b>

Appendix 1

approved	23	91	60	90	115	379	
allocated no permission	0	0	25	50	50	125	
<b>DA4 west Southdowns Road</b>							<b>0</b>
approved	0	0	0	0	0	0	
allocated no permission	0	0	0	0	0	0	
<b>DA5 Little Leigh, Holcombe</b>							<b>0</b>
with permission	14	21	0	0	0	35	
without permission	0	0	0	0	0	0	
<b>CH1 Rocklands</b>							<b>105</b>
approved	0	0	25	50	50	125	
allocated no permission	0	0	0	0	0	0	
<b>CH2 north east Chudleigh</b>							<b>73</b>
approved	0	0	0	0	0	0	
allocated no permission	0	0	0	24	53	77	
<b>CH3 James House</b>							<b>0</b>
with permission	0	0	19	0	0	19	
without permission	0	0	0	0	0	0	
<b>CH4 Colway Lane</b>							<b>0</b>
approved	0	0	0	0	0	0	
allocated no permission	0	0	15	0	4	19	
<b>CH5 Grovelands</b>							<b>0</b>
approved	0	0	0	0	0	0	
allocated no permission	4	40	6	0	0	50	
<b>CH6 north west Town Centre</b>							<b>10</b>
approved	0	0	0	0	0	0	
allocated no permission	0	0	0	0	0	0	
<b>SWE1 south west Exeter</b>							<b>1080</b>
approved	15	128	204	216	214	777	
allocated no permission	0	26	52	53	53	184	
<b>TOTALS WITH PERMISSION</b>	<b>221</b>	<b>439</b>	<b>609</b>	<b>680</b>	<b>544</b>	<b>2493</b>	<b>4517</b>
<b>TOTALS WITHOUT PERMISSION</b>	<b>94</b>	<b>235</b>	<b>273</b>	<b>544</b>	<b>560</b>	<b>1706</b>	
<b>GRAND TOTAL</b>						<b>4199</b>	

Table 6: Non allocations totals

<u>Permissions</u>	19/20	20/21	21/22	22/23	23/24	total
<b>22-26 Wolborough Street, Newton Abbot</b>	0	38	0	0	0	38
<b>Bishop Dunstan, Newton Abbot</b>	25	2	0	0	0	27
<b>Newcross, Kingsteignton</b>	50	43	0	0	0	93
<b>Clay Lane, Teignmouth</b>	0	0	20	0	0	20
<b>east Secmaton Lane, Dawlish</b>	52	11	0	0	0	63
<b>Shell Cove House, 19 Old Teignmouth Road, Dawlish</b>	0	11	17	0	0	28
<b>Peppermint Park, Dawlish Warren</b>	0	21	0	0	0	21
<b>Sentry's Farm, Exminster</b>	0	1	0	0	0	1
<b>TOTAL</b>	<b>127</b>	<b>127</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>291</b>
<b>Small sites (590 dwellings)</b>	<b>537</b>	<b>0</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>590</b>
<b>Other windfalls</b>	<b>0</b>	<b>17</b>	<b>54</b>	<b>144</b>	<b>144</b>	<b>359</b>
<b>TOTAL</b>	<b>664</b>	<b>144</b>	<b>144</b>	<b>144</b>	<b>144</b>	<b>1,240</b>

TEIGNBRIDGE DISTRICT COUNCIL

**EXECUTIVE**

Leader: Cllr Gordon Hook

Portfolio Holder: Cllr Gary Taylor

**DATE:** 30<sup>th</sup> July 2019

**REPORT OF:** Business Manager – Strategic Place

**SUBJECT:** South Hams Special Area of Conservation: Habitats Regulations Assessment Guidance

**Part 1**

**RECOMMENDATION**

Executive is recommended to:

1. Resolve to approve the South Hams Special Area of Conservation Habitats Regulations Assessment Guidance with any other minor amendments of detail being delegated to the Business Manager Strategic Place in consultation with the Planning Portfolio Holder.
2. Note the Consultation Summary outlining comments to the consultation process.

**1. PURPOSE**

- 1.1 To consider and approve the proposed South Hams Special Area of Conservation Habitats Regulations Assessment Guidance (the 'Guidance'), attached as Appendix 1. The Guidance will be used to determine whether a Habitats Regulation Assessment (HRA) Screening is required on any application submitted within the South Hams SAC consultation area and provides advice on the information that applicants may need to submit with a planning application in order for the Local Planning Authority to undertake the HRA.
- 1.2 Once approved by all Local Planning Authorities affected by the South Hams SAC, the Guidance will update and replace the *South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance* published by Natural England in 2010. The Guidance takes on board feedback from applicants, consultants and planners as well as new data and knowledge on greater horseshoe bats since the 2010 guidance was introduced.

## TEIGNBRIDGE DISTRICT COUNCIL

### 2. BACKGROUND

- 2.1 The South Hams Special Area of Conservation (SAC), and associated Consultation Zone, cover an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. Management of the SAC is co-ordinated by an officer group of representatives from each of the above authorities and Natural England, forming the South Hams SAC Greater Horseshoe Bats Steering Group.
- 2.2 Local Planning Authorities (LPAs) have a legal duty (under the Habitats Directive and Habitats Regulations) to ensure that there will be no *adverse effect on the integrity* of the South Hams SAC population of greater horseshoe bats as a result of any plan or project. Any which will lead to an *adverse effect on the integrity* of the South Hams SAC will be refused, other than in exceptional circumstances.
- 2.3 Greater horseshoe bats are one of Britain's rarest bats with about 30% of the population found in South Devon. The South Hams Special Area of Conservation (SAC) has been designated (under the EC Habitats Directive and UK Habitats Regulations) by Natural England to help protect the bats and includes both maternity and hibernation roosts vital to the survival of the species. SACs form part of a network of designated sites across Europe and have the highest level of protection. Five greater horseshoe bat roosts are designated as part of the SAC, including the Chudleigh Caves and Woods SSSI within Teignbridge district.
- 2.4 This Guidance will update and replace the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. It provides advice on which applications may have a *likely significant effect* on the SAC greater horseshoe bat population and which may therefore require the relevant LPA to carry out a Habitats Regulations Assessment (HRA). It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake the HRA.
- 2.5 A draft version of the guidance was published for consultation from 16<sup>th</sup> April until 13<sup>th</sup> June 2018. It has since been amended to take into consideration comments raised during the consultation (see Section 4).
- 2.6 The draft version of the guidance was initially prepared with the intention of becoming a Supplementary Planning Document but its status and scope has since been revisited due to legal challenges taking place nationally on the legality of Supplementary Planning Documents (see Section 3).
- 2.7 The final version of the Guidance is provided at Appendix 1 and a summary of comments and responses is in Appendix 2. The original consultation draft is

## TEIGNBRIDGE DISTRICT COUNCIL

available at the following link <https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation>

- 2.8 The Guidance has been prepared jointly by the authorities in partnership with Natural England. On a point of presentation, the cover page does not contain the agency logo, due to Natural England's protocol of excluding such from non-governmental guidance publications.
- 2.9 The new document will accord with the Teignbridge Corporate Plan in terms of the 'Great places to live and work' programme and in particular action; concerning protecting the most important habitats and investing in new wildlife areas.

### 3. MAIN IMPLICATIONS

#### Status of Guidance

- 3.1 The partner authorities originally consulted on a document envisaged to be a Supplementary Planning Document (SPD). However, following the receipt of consultation responses and a review of legal challenges taking place elsewhere in the country on the legality of SPDs, further consideration has been given to the scope and status of the document.
- 3.2 Case law has confirmed (in relation to the Planning & Compulsory Purchase Act 2004 Regulations and the Town and Country Planning (England) Regulations 2012) that it is not possible to provide SPD as the basis on which planning applications can be determined. Instead determinations can only be made on the parent policy to which the document relates (i.e. policies contained in the Local Plan).
- 3.3 It has never been the intention for the Guidance to introduce policy. Instead, the guidance will help inform which developments are likely to require a HRA at an early stage and provide advice on information applicants may need to submit with their planning application. The non-statutory guidance will be used primarily at validation stage for planning applications received by the partner authorities to determine whether an HRA is required.
- 3.4 It will be given the same weight as has previously been delivered by the *South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance* published by Natural England in 2010 (which itself was never SPD).

#### Features of the South Hams SAC

- 3.5 The South Hams SAC Consultation Area defines, as closely as possible, the geographical extent of the greater horseshoe bat population in the area. Within this Consultation Area, the 2010 *South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance* defines designated roosts, sustenance zones and strategic flyways as the main features used and populated by greater horseshoe bats. More recent evidence available from a wider source of

## TEIGNBRIDGE DISTRICT COUNCIL

datasets has, however, shown that many of the bats are also likely to travel through the South Devon landscape (outside of the Sustainance Zones and not confined to the strategic flyways) to access other smaller roosts at certain times of year (male bats can be found in small roosts during the summer and both males and females will fly to mating roosts in the autumn and spring). The bats may also travel between Designated Roosts (with stop overs at transitional roosts on the way).

- 3.6 All existing evidence (from research and records) indicates that the bats using this landscape are dispersed in low numbers, using a complex network of sheltered hedges, woodland edge, stream corridors etc. to move around the landscape. In order to maintain Favourable Conservation Status of the population it is therefore important to keep sufficient connectivity across the whole of this landscape (allowing landscape scale permeability), rather than just protecting a number of flyways.
- 3.7 The net result of this work has been a more robust delineation of an area within which greater horseshoe bats are known to use. The Guidance has therefore replaced the 2010 strategic flyways with a 'landscape connectivity zone' to protect the complex network of flight lines which link the designated roosts. This change affects interpretation of Local Plan Policy EN10, whereby reference to the strategic flyways can be waived and follows progression of guidance indicated in paragraph 5.29 of the plan.
- 3.8 A further change arising from the shift away from flyways and to the landscape connectivity zone is how applications are screened for HRA. Currently, any application affecting a flyway requires HRA. Once the Guidance is in place, HRA will be limited to those applications picked up by the flow chart shown on Page 11 of Appendix 1. This approach better reflects how different types of uses have different impacts on greater horseshoe bats, thereby reducing the burden for applications where there is likely to be no impact and ensuring that other applications which may have an impact will have an HRA, regardless of whether or not they fall within a tightly defined flyway.
- 3.9 A series of Advice Notes is being considered on such matters as greater horseshoe bat ecology, mitigation and lighting. They are intended to be best practice guidance to assist applicants when providing information to inform the HRA. The notes will be widely circulated to interested parties and placed on the Devon County Council Strategic Planning and Policy website with links to other useful guidance when available.

## 4. GROUPS CONSULTED

- 4.1 A full public consultation was held from 16<sup>th</sup> April until 13<sup>th</sup> June 2018 on a draft version of the Guidance which included statutory consultees, partners and the wider public. An invited stakeholder workshop session and public drop in was held at Dartmoor National Park Authority Offices, Bovey Tracey on 1<sup>st</sup> May. A summary of the comments received and officer responses are contained in Appendix 2.

## TEIGNBRIDGE DISTRICT COUNCIL

4.2 A number of refinements and changes have been made to the guidance following the public consultation process:

- amendments to SAC Consultation Area map
- addition of reviewing the guidance section
- revised landscape connectivity zone with explanation
- clarification to HRA requirement flowchart
- clarification of survey requirements for HRA
- addition of list of references

### 5. TIMESCALE

5.1 The Guidance will come into effect once all partner authorities have approved it. It is hoped this will be completed by September. The recommendation asks that minor amendments of detail arising from the different committees of partner authorities are delegated to the Business Manager Strategic Place in consultation with the Planning Portfolio Holder.

### 6. FINANCIAL IMPLICATIONS

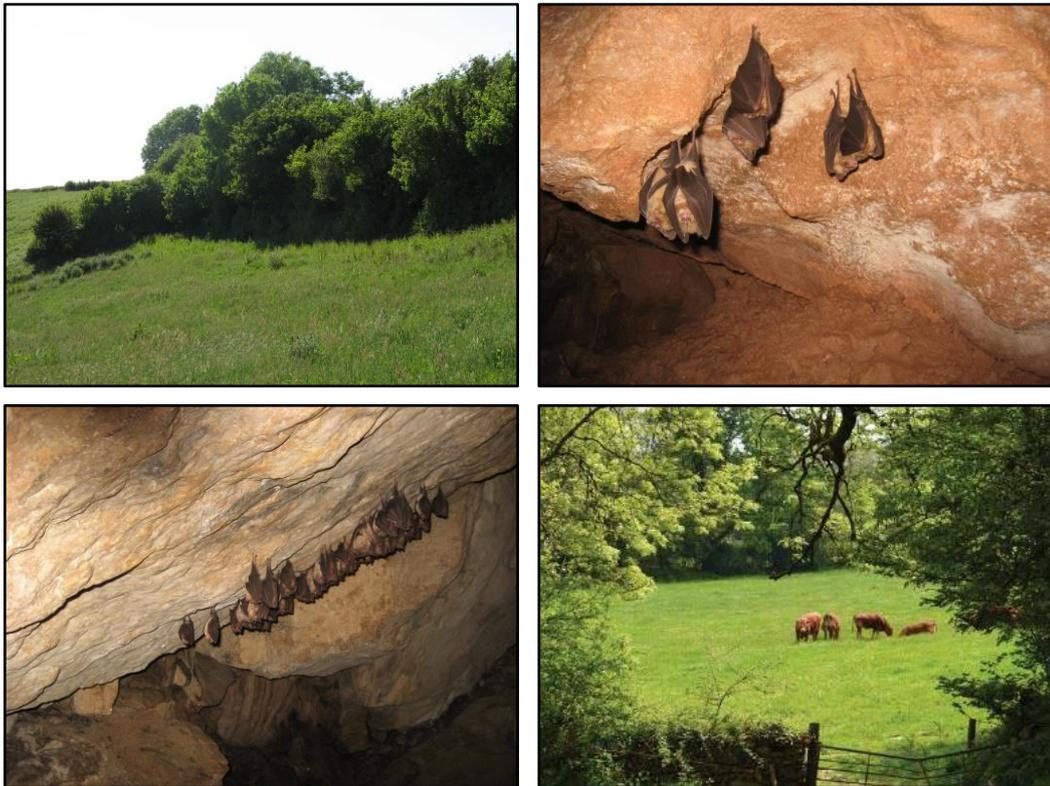
6.1 The Guidance does not present new financial implications. Updated HRA requirements may lead to further assessment work commitments for the Planning Service which would be met from existing budgets.

<b>Wards affected</b>	Ambrook, Ashburton & Buckfastleigh, Bishopsteignton, Bovey Tracey, Chudleigh, Ipplepen, Kenn Valley Kerswell-with-Coombe, Kingsteignton, Newton Abbot & Teign Valley.
<b>Contact for any more information</b>	Trevor Shaw Senior Planning Officer 01626 215703
<b>Background Papers (For Part I reports only)</b>	Teignbridge Local Plan 2013 – 2033
<b>Key Decision</b>	Y
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Y

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# South Hams Special Area of Conservation (SAC)

## Greater Horseshoe Bats



## Habitats Regulations Assessment Guidance

June 2019



**Photo credit:** Dave F Wills

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# 1 Introduction

Every effort has been made to avoid technical terms and acronyms in this document. However, some terms and acronyms have had to be included due to the technical nature of this document and to reduce its length. Technical terms are highlighted in **orange text** when first used and defined, along with any acronyms, in the Glossary.

## 1.1 South Hams SAC and greater horseshoe bats

- 1.1.1 Greater horseshoe bats are one of Britain's rarest bats and are confined to South West England and South Wales [1]. Over 2500 greater horseshoe bats are found in South Devon (a significant proportion of the British population) and the Buckfastleigh **maternity roost** is thought to be the largest in Europe [2].
- 1.1.2 The **South Hams Special Area of Conservation (SAC)** has been designated, in part<sup>1</sup>, to ensure the **favourable conservation status** of this population of greater horseshoe bats. SACs, sometimes referred to as **European Sites**, form part of a network of designated sites across Europe. They are designated under the EU **Habitats Directive** and UK **Habitats Regulations**.
- 1.1.3 This legislation requires **Local Planning Authorities (LPAs)**, and other **competent authorities**, to assess **plans or projects** which may have a likely significant effect on a European Site, alone or in-combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced they will not have an **adverse effect on the integrity** of a European Site, other than in exceptional circumstances [3]. These requirements are known as **Habitats Regulations Assessment (HRA)** requirements [4] [5] [6].

## 1.2 What is the purpose of this document?

- 1.2.1 This document is aimed at those preparing and validating **planning applications** in the South Devon area which may impact on the South Hams SAC population of greater horseshoe bats. It provides advice on which applications may have a likely significant effect on the SAC greater horseshoe bat population. It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake an HRA.
- 1.2.2 This guidance is relevant to five LPA areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council (referred to in this document as the LPAs) – see Figure 1. Contact details for the LPAs are given in Appendix 1.

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<sup>1</sup> The South Hams SAC is also designated to protect habitats including sea cliffs, heathland, semi-natural grasslands, scrub, caves and woodland see <http://publications.naturalengland.org.uk/publication/6279422093033472>

- 1.2.3 By providing clarity on HRA requirements, the guidance aims to reduce costs and unnecessary delays to both applicants and LPAs.
- 1.2.4 This document updates and replaces the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010 [7]. The update takes on board feedback from applicants, consultants and planners as well as new data and knowledge on greater horseshoe bats. For those familiar with the 2010 Guidance, an explanation of changes is provided in Appendix 2.
- 1.2.5 This approach taken here can also be used to identify other plans or projects that may be required to meet HRA requirements relating to the South Hams SAC greater horseshoe bat population.
- 1.2.6 Additional advice on technical issues such as lighting will be added to the Devon County Council website as required at:  
<https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>
- 1.2.7 This guidance relates specifically to HRA requirements relating to the South Hams SAC greater horseshoe bat population. However, it is important to remember that all bats, including greater horseshoe bats, along with their breeding sites and resting places, are fully protected through separate legislation. The presence of any protected species is a **material consideration** when an LPA is considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat [5] [8]

### 1.3 What are the HRA requirements for Local Planning Authorities and Applicants?

#### Local Planning Authorities

- 1.3.1 Simplistically, HRA requirements for LPAs include screening followed, if necessary, by an **appropriate assessment**. For more information please see Defra guidance (please note that this is draft)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82706/habitats-simplify-guide-draft-20121211.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf)
  - **Stage 1 – HRA Screening:** An assessment of whether the proposal will, on its own or in-combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account.

The flow chart in section 3 should be used to identify whether an application may have a likely significant effect on the South Hams SAC greater horseshoe bat population. Where it is clear that there is no likelihood of significant effect there is no need for further screening. However, where there may be a likely significant effect the LPA will need to use information provided by the applicant to undertake a **detailed HRA** screening. Where screening cannot rule out a likely significant effect then appropriate assessment must be carried out.

  - **Stage 2 - Appropriate Assessment:** An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The Precautionary Principle applies, so

to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

The LPA must secure any required avoidance and *mitigation* measures e.g. through conditions attached to the planning permission, or a legal obligation agreed with the applicant.

Note that for the purposes of this document the term detailed HRA refers to both detailed *HRA screening* (where, using the Flow Chart in Section 3, likely significant effect cannot be immediately screened out) and, when required, appropriate assessment.

### Applicants

- 1.3.2 It is the applicant's responsibility to provide the LPA with sufficient information to enable them to undertake HRA requirements.

### Information provided in this document

- 1.3.3 To help LPAs and applicants meet these requirements, this document includes:

**Section 2**

Background information on the South Hams SAC Greater Horseshoe Bat Consultation Area.

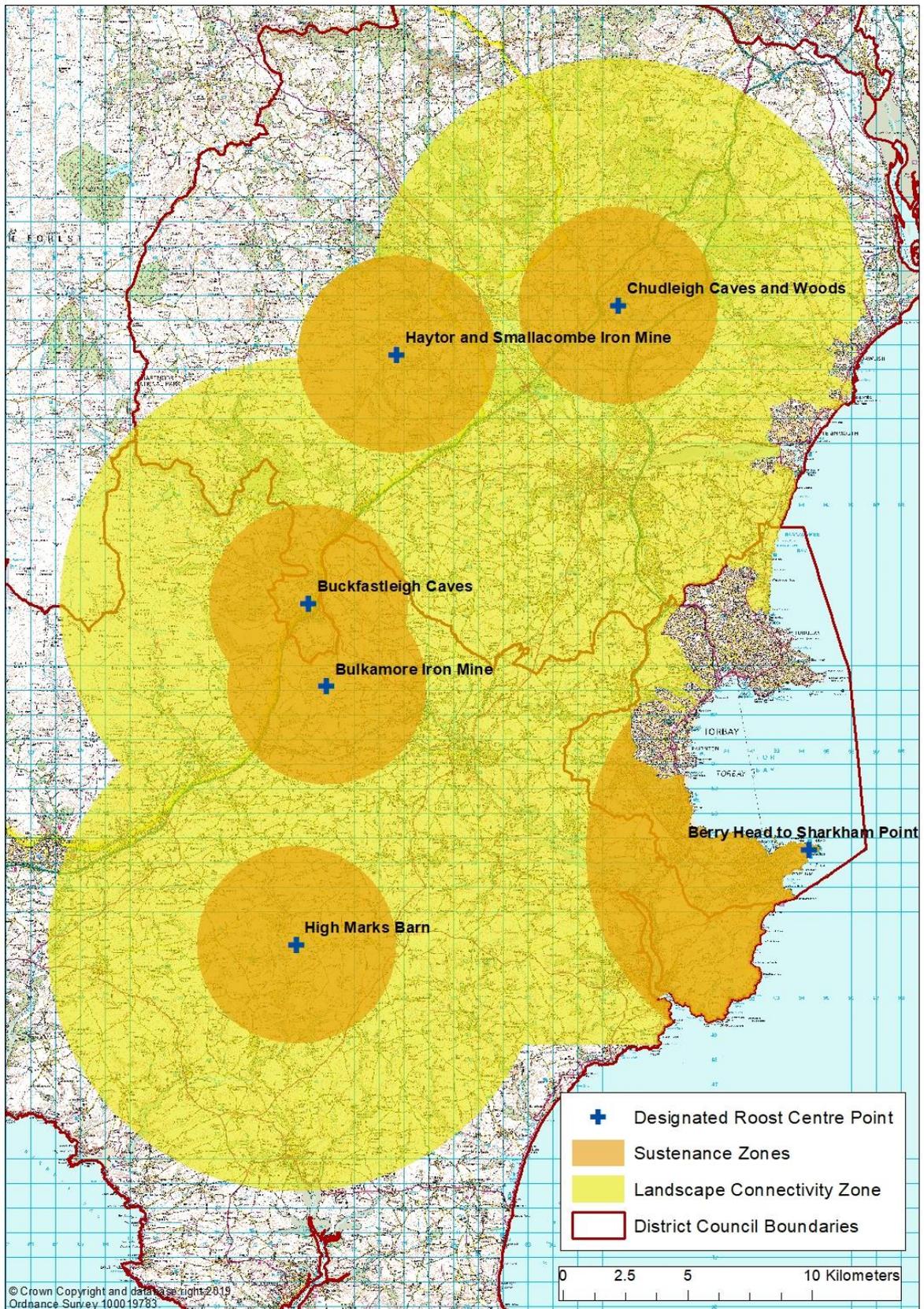
**Section 3**

A flow chart to help clarify when an application may have a likely significant effect on a European Site and therefore when detailed HRA is required.

**Section 4**

Guidance on the information required from the applicant.

**Figure 1:** South Hams SAC greater horseshoe bat Consultation Area  
For a more detailed map see: <http://map.devon.gov.uk/DCCViewer>



## 2 The South Hams SAC Consultation Area

### 2.1 General greater horseshoe bat ecological requirements

2.1.1 Greater horseshoe bats use a network of Roosts, **Foraging Habitats** and **Commuting Routes**. Definitions of these features are given below. Greater horseshoe bats are very sensitive to light levels and avoid lit areas [9].

Roosts - structures used by bats for shelter and protection

2.1.2 A variety of structures are used throughout the year for hibernating, raising young bats (maternity roosts), feeding, mating and resting. Greater horseshoe bats can live in excess of 30 years and remain faithful to their roosts for generations. Large numbers of bats can be found in **hibernation roosts** (used by bats during the winter) and maternity roosts (used during the summer by mothers and their young, some males may also be present). Other roosts tend to be used throughout the year by individuals or small numbers of bats at a time [10,11].

Foraging Habitat – areas where bats feed

2.1.3 Greater horseshoe bats feed in different habitats during the year as availability of their prey changes. Examples of Foraging Habitats include cattle grazed pastures, meadows, the edges of broadleaved woodland, stream corridors, wetlands, tree lines, tall and thick hedges, scrub, orchards and parklands - any places where prey is found (moths, dung beetles, cockchafer beetles and dung flies, crane flies, parasitic wasps and caddis flies) [12,13]. Adult greater horseshoe bats using maternity roosts largely forage within 4km of the roost while juveniles hunt mainly within 1km of the roost and are highly dependent on grazed pasture [12,13].

Commuting Routes - the routes bats use to move through the landscape, often linear landscape features.

2.1.4 Greater horseshoe bats have a 'weak' **echolocation** call (which bats use to navigate). They therefore generally fly close to the ground (up to ~ 2m) and close to linear landscape features such as hedges, woodland edge and vegetated watercourses which they use for navigation. Bats may use different Commuting Routes at different times of the year [11].

### 2.2 The South Hams SAC Greater Horseshoe Bat Consultation Area

2.2.1 The South Hams SAC Greater Horseshoe Bat **Consultation Area** (referred to in this document as the Consultation Area) has been developed to help clarify where and when impacts, on Roosts, Foraging Habitat and Commuting Routes, may have a likely significant effect on the SAC greater horseshoe bat population. The Consultation Area is shown on Figure 1 and consists of the features discussed below.

Designated Roosts - the six maternity and/or hibernation roosts designated as **SSSIs** and believed to support an important proportion of the total greater horseshoe bat population across South Devon.

2.2.2 Five of the **Designated Roosts** are included within the South Hams SAC designation. The sixth roost at High Marks Barn SSSI is considered integral to the SAC population. It was not included in the original SAC designation but is part of the SAC Consultation Area. The six Designated Roosts are listed in Table 1 and shown on Figure 1.

2.2.3 Proposals impacting on these roosts may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

**Table 1: The Designated Roosts**

Site Name	Roost description	Maternity	Hibernation
Berry Head to Sharkham Point SSSI and NNR	Caves on sea cliffs	✓	✓
Buckfastleigh Caves SSSI (supports the largest known maternity roost in the UK)	Cave complex and barns	✓	✓
Bulkamore Iron Mine SSSI	Large disused mine		✓
Chudleigh Caves and Woods SSSI	Cave complex	✓	✓
Haytor and Smallacombe Iron Mines SSSI	Disused mines		✓
High Marks Barn SSSI (supports the second largest maternity roost in England)	Large agricultural barn	✓	

**Sustenance Zones** - the area within 4km of the Designated Roosts which includes critical Foraging Habitat and Commuting Routes<sup>2</sup>. See Figure 1.

2.2.4 The **Sustenance Zones** are based on research which shows that on average adult greater horseshoes using maternity roosts largely forage within 4km of the roost [12,13,14,15,16,17,18,19]. Due to the difficulties in monitoring hibernating bats, the distances which they travel from hibernation roosts to forage in the winter is currently unknown. It is possible that due to weather conditions, and the weaker physical condition of bats during the winter, they may forage closer to roosts within the hibernation Sustenance Zones. This needs to be considered when assessing impacts and carrying out HRA.

2.2.5 Proposals impacting on Foraging Habitat and Commuting Routes in Sustenance Zones may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

2.2.6 Note that urban areas within Sustenance Zones may provide less suitable conditions for greater horseshoe bats.

<sup>2</sup> Due to its location next to the sea and urban development within Brixham Town the Berry Head Sustenance Zone is based on a sustenance area equivalent to a 4km radius circle. Note

Landscape Connectivity Zone - The area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats and providing connectivity between the Designated Roosts. See Figure 1 and Appendix 2 for further explanation.

2.2.7 Evidence from records held by Devon Biodiversity Records Centre and research conducted by the University of Sussex [20] indicate that greater horseshoe bats commuting through the **Landscape Connectivity Zone** are dispersed and found in relatively low numbers compared to within the Sustenance Zone. Only proposals which could severely restrict the movement of bats at a landscape scale (impacting on landscape scale permeability) may, therefore, have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

2.2.8 Pinch points - known, or potential, Commuting Routes which are restricted e.g. due to urban encroachment or proximity to the sea / estuaries.

2.2.9 Further restriction of **Pinch Points** could severely restrict the movement of bats and may therefore have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

Existing Mitigation Features – can include roosts, Commuting Routes and Foraging Habitat created, enhanced or protected to meet HRA greater horseshoe bat requirements for approved development.

2.2.10 Impacts on these features may have a likely significant effect on the SAC greater horseshoe bat population – see the flow chart in Section 3.

Designated Roosts, Sustenance Zones, the Landscape Connectivity Zone, Pinch Points and **Existing Mitigation Features** (greater horseshoe bats) are all shown on the Devon County Council (DCC) Environment Viewer at: <http://map.devon.gov.uk/DCCViewer>.

Where new Pinch Points and Mitigation Features are identified they will be added to the Viewer. Foraging Habitats and Commuting Routes are not mapped on the Viewer. For records of greater horseshoe bats please contact Devon Biodiversity Records Centre (contact details in Appendix 1).

## 3 Flow chart

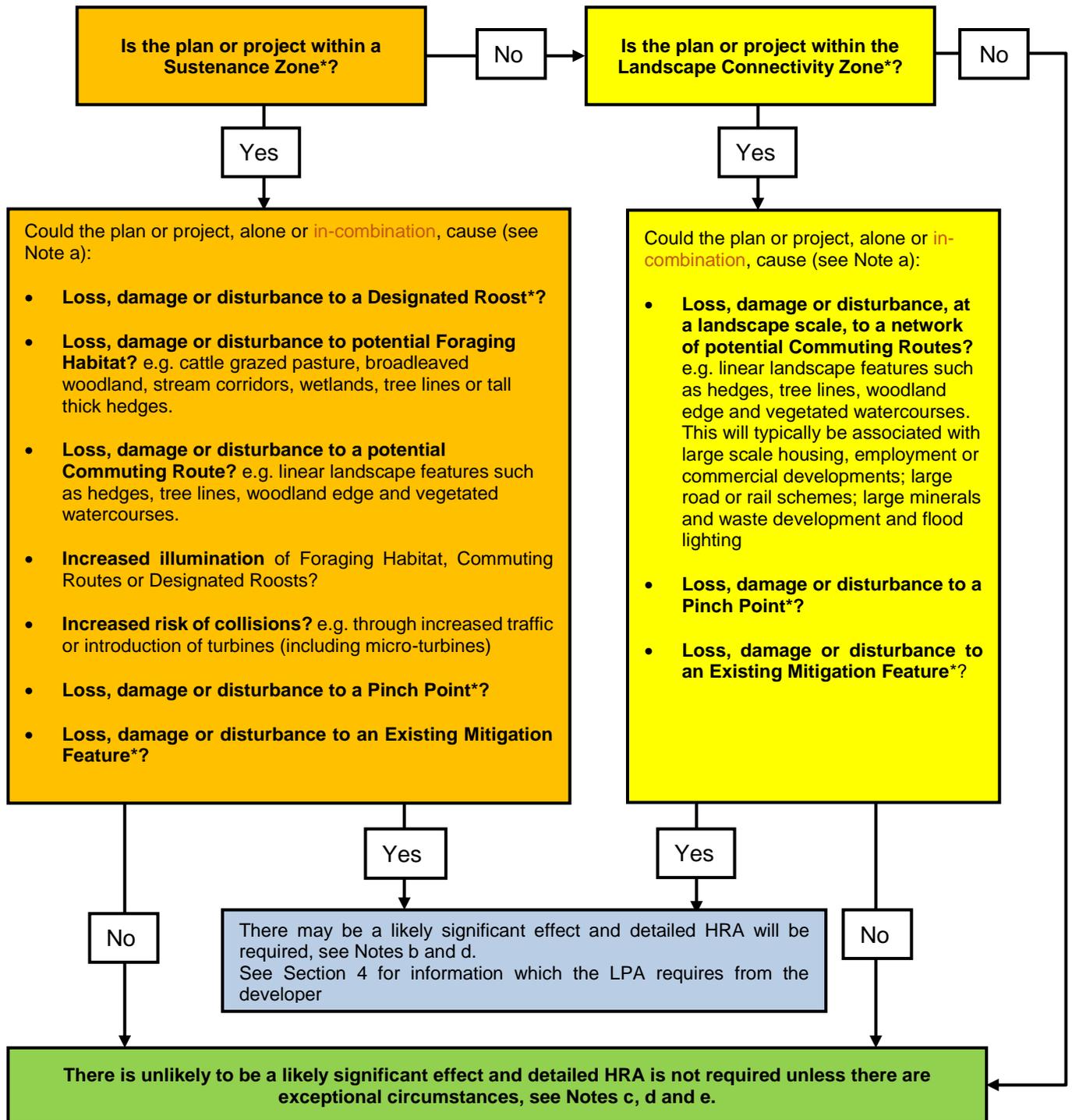
### 3.1 Clarifying when an application may have a likely significant effect on the South Hams SAC greater Horseshoe bat population

3.1.1 As early as possible in planning of a development (pre-application stage) the LPA and applicant should discuss the proposal and, using existing knowledge, follow the Flow Chart and associated Notes below to clarify whether there may be a likely significant effect on the SAC. Please remember that this Flow Chart only relates to the South Hams SAC greater horseshoe bat population.

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that the boundaries of all the Sustenance Zones have changed slightly from those within the 2010 South Hams SAC guidance (see Appendix 2).

\*Feature is mapped on the DCC environment viewer at <http://map.devon.gov.uk/DCCViewer>



### 3.1.2 Flow Chart Notes:

- a. If there is any degree of uncertainty regarding how to answer questions in the flow chart e.g. whether there is loss, damage or disturbance to a potential Foraging Habitat or Commuting Route, an ecologist should be consulted. Examples of how a proposal could adversely affect greater horseshoe bat habitats include:
  - Foraging Habitat
    - Building on pasture, wetland, or converting to improved grassland
    - Felling woodland
    - Altering drainage of wetland areas.
    - Indirect impacts that would lead to deterioration of the feature e.g. introducing public access to a Foraging Habitat
    - Increased illumination of Foraging Habitat through internal, external and vehicular lighting sources.
  - Commuting Routes
    - Removal of a hedgerow / tree line
    - Increased illumination of sections of hedgerow/tree lines, including from internal, external and vehicular lighting sources
    - Building in close vicinity to a hedgerow / tree line
    - Having an indirect impact e.g. a change in management to hedgerows bordering residential gardens.
- b. It may be possible for the LPA to screen out **likely significant effects** relatively quickly where it is considered that, due to factors such as location, site characteristics, size/type of the application or numbers of greater horseshoe bats found the proposal will not have a likely significant effect on the SAC greater horseshoe bat population.
- c. Detailed HRA may be required in circumstances not listed on the flow chart if, following survey, the LPA or Natural England consider that the development could have a likely significant effect on the SAC population of greater horseshoe bats. This could include the discovery of a roost which is likely to provide significant functional support to the SAC (e.g. a roost which meets SSSI criteria or a significant mating site) or the in-combination impacts of small projects in the Landscape Connectivity Zone.
- d. Where detailed HRA is not required the LPA should formally record that likely significant effects have been screened out.
- e. Note that the applicant and LPA must ensure that other wildlife impacts (including impacts on bats as **European Protected Species**) are identified and mitigated appropriately through the planning process. See the Devon County Council website and Natural England standing advice for more information - <https://new.devon.gov.uk/wildlife-and-geology-planning-guidance> and <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

## 4 Information required for detailed HRA

### 4.1 Overview

Please note that the following information only relates to the HRA in relation to the South Hams SAC greater horseshoe bat population. For the majority of applications, the information provided by the applicant for HRA will form part of a broader Ecological Impact Assessment.

#### Pre-application Stage

- 4.1.1 Where detailed HRA screening is required the applicant should commission a suitably qualified ecological consultant, with experience of greater horseshoe bat survey and mitigation, to provide the LPA with the following:
- Greater horseshoe bat survey results and analysis, where required (see Section 4.2 below)
  - Impact Assessment
  - Avoidance, mitigation measures and monitoring details (see 4.3 below)
- 4.1.2 LPAs cannot recommend consultants but can provide a list of ecological consultants known to them. See: <https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>
- 4.1.3 The information provided should be up to date and follow current published guidance<sup>3</sup>. Departures from published guidance need to be fully justified in writing and agreed with the LPA.
- 4.1.4 It is advised, particularly for large or complex applications, that applicants seek pre-application advice on HRA requirements, survey and potential avoidance/mitigation measures from the LPA as well as from Natural England's Discretionary Advice Service. If detailed HRA is required and insufficient information is submitted the LPA may be unable to validate the application or may need to request further information or new mitigation measures which could affect design/layout. These scenarios may lead to delays and increased cost.
- 4.1.5 Applicants and LPAs should use Natural England's Conservation Objectives and related Supplementary Advice for the South Hams SAC when developing and assessing an application which may affect the SAC. See <http://publications.naturalengland.org.uk/publication/6279422093033472>

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<sup>3</sup> Including guidance from the Chartered Institute for Ecologists and Environmental Managers (CIEEM) <https://www.cieem.net/> and the [British Standard for Biodiversity](#) (BS 42020:2013).

- 4.1.6 Outline applications are subject to HRA requirements. It is acknowledged that not all design and layout details will be known. However, where detailed HRA is required appropriate survey must be undertaken and any required avoidance/mitigation measures and principles secured (such as locations of areas safeguarded from detrimental light spillage) in order to provide the LPA with the confidence required that there will be no likely significant effect or, (where appropriate assessment is required) no adverse effect on the SAC greater horseshoe bat population. These measures and principles must then be followed when developing details for the reserved matters application.

#### Submission of a Planning Application

- 4.1.7 The applicant submits the information required for HRA as part of the planning application. If insufficient information is supplied, the LPA may not be able to validate the application.

#### Use of HRA in Determining a Planning Application

- 4.1.8 The LPA uses the information provided to undertake an HRA and, when required, consults Natural England. Note: The LPA must consult Natural England on all Appropriate Assessments.
- 4.1.9 If insufficient information has been supplied the LPA may have to request further information. This can lead to a delay in determining the application.
- 4.1.10 The LPA will secure any mitigation measures required to ensure the project will not adversely affect the integrity of the SAC via conditions and/or legal obligations agreed with the developer.
- 4.1.11 If the LPA is unable to conclude that the application will have no adverse effect on the integrity of the South Hams SAC, the application will be refused (except for in exceptional circumstances) [3].

## **4.2 Survey Requirements**

- 4.2.1 Current national guidance should be followed as well as any local guidance. At time of writing this is Bat Surveys for Professional Ecologist, Good Practice Guidelines (Bat Conservation Trust, 2016). Exact survey requirements will need to reflect the sensitivity of the site and the nature, location and scale of the proposals. Early dialogue with the LPA and Natural England is therefore encouraged.
- 4.2.2 There is currently no national guidance available to inform winter bat activity surveys in the Sustenance Zones around hibernation roosts. Some foraging will occur during hibernation but at reduced rates to other times of year. The ecological consultant should discuss and agree any winter survey requirements with the LPA and Natural England.
- 4.2.3 Survey that is more than 2/3 years old will generally be considered out of date as per the *British Standard for Biodiversity* BS 42020, however see para 4.2.5.

- 4.2.4 Surveys and assessment of the results should be informed by any relevant greater horseshoe bat data from Devon Biodiversity Records Centre (see contact details in Appendix 1) and from projects within the vicinity of the proposal where data are available. New bat data should be shared with the Devon Biodiversity Records Centre in accordance with good practice guidelines.
- 4.2.5 In some circumstances it may be possible for the LPA and Natural England to agree to mitigation requirements without the need for a survey / full survey. Note that HRA will still be required. Circumstances may include:
- A minor development proposal where there is certainty (as evidenced by a competent ecological consultant) that impacts on greater horseshoe habitat can be avoided or are negligible.
  - A situation in which survey (or further survey) would not contribute further to the identification of impacts and avoidance/mitigation requirements.
  - A situation in which the LPA and Natural England agree that there is sufficient existing survey information for the site (see British Standard for Biodiversity BS2020 for more information).

### **4.3 Avoidance, Mitigation and Monitoring Principles**

- 4.3.1 The development should be designed (using the 'mitigation hierarchy'<sup>4</sup> as the standard approach) to avoid impacts through:
- Avoiding loss, damage or disturbance to greater horseshoe bat roosts, Foraging Habitats and Commuting Routes and maintaining connectivity to offsite habitats.
  - Where appropriate, creating sufficiently wide and dark buffers along or around habitats to protect them from impacts.
  - Designing any lighting schemes to prevent impacts on known or potential greater horseshoe bat habitat.
  - Designing the scheme to avoid future impacts e.g. impacts from the future introduction of householder lighting, safety lighting or householder hedge management.
- 4.3.2 Where it is not possible to avoid all impacts the applicant should put forward measures to reduce impacts (mitigation) and ensure no adverse effect on the integrity of the SAC. Required measures may include:
- Creating or enhancing new dark corridors through the development site to maintain a connected network of Commuting Routes for bats.

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<sup>4</sup> See Guidelines for Ecological Impact Assessment in the UK and Ireland (September 2018) Chartered Institute for Ecologists and Environmental managers (CIEEM) <https://www.cieem.net/> and the British Standard for Biodiversity (BS 42020:2013)

- Creating or enhancing new Foraging Habitat in suitable locations within the same Sustenance Zone.
- Maintaining Commuting Routes across road and transport routes by creating safe greater horseshoe bat crossings following best practice. This could include, for example, culverts, underpasses and green bridges.
- Imposing controls or restrictions on relevant operations, e.g. cutting turbine speeds.
- Creating or enhancing a roost.
- Contributing to any South Hams SAC strategic greater horseshoe bat fund which combines funding to deliver permanent high-quality greater horseshoe bat habitat and roosts in priority locations to increase population resilience. The LPAs will provide further advice where this is relevant.

4.3.3 There must be sufficient certainty that mitigation measures will be effective in ensuring no adverse effect on the integrity of the SAC and that they can be delivered. For example:

- Measures must be in place and functioning before impacts occur.
- All financial and legal details relating to the delivery of mitigation requirements must be clear.
- Measures should be secured and implemented to reflect the duration of the impacts. Where impacts are permanent and irreversible measures will need to be secured *in-perpetuity*.

4.3.4 All mitigation should follow current best practice.

4.3.5 Mitigation measures must be considered in the context of the wider area e.g. Commuting Routes through a development site must connect to routes outside the site.

4.3.6 Monitoring (which ensures that mitigation has been carried out as agreed and is effective) and appropriate follow up measures must be agreed with the LPA and implemented by the developer. Any required remedial measures must be completed to a timetable agreed with the LPA.

4.3.7 All avoidance, mitigation and monitoring information (relating to purpose, timing, delivery, long-term management etc) must be provided to the LPA in appropriate detail, at the agreed stage in the planning process, and in an agreed format. Generally, information required for the LPA to assess the planning application should be included in an Ecological Impact Assessment or, when required, an Environmental Statement. Further detailed information may be required through conditions imposed on any planning permission and in documents such as a Construction Environmental Management Plan (CEMP), and Landscape and Ecological Management Plan (LEMP).

Note: Whilst not required for HRA both the developer and LPA should seek enhancements for greater horseshoe bats in line with any national and local net gain policy and guidance.

## 5 Reviewing the South Hams SAC HRA Guidance

This guidance will be reviewed and updated as required. This may be as a result of national policy or legislative changes, the discovery of a greater horseshoe bat roost which meets the criteria for SSSI designation, or evidence of greater horseshoe bats from the SAC population using areas outside the Landscape Connectivity Zone where evidence indicates there is a functional link to the South Hams SAC.

The DCC Environment Viewer will be updated to show new Pinch Points or Mitigation Features.

## Glossary

Adverse effect on integrity	Where the competent authority is unable to confirm that the plan or project, without taking into account measures to avoid or reduce harmful effects (mitigation), will not have a likely significant effect on the SAC then the LPA will ask for further information in order to undertake an appropriate assessment and ensure that the plan or project will not have an adverse effect on the integrity of the site. The integrity of a European site can be defined as, 'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.' [5] In practical terms this means the habitats necessary to maintain a healthy and viable population of greater horseshoe bats.
Appropriate Assessment	Stage 2 of HRA requirements required where a likely significant effect, alone or in-combination, can't be ruled out. An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The Precautionary Principle applies, so to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.
British Standard for Biodiversity	BS42020 – The first British Standard on biodiversity management. Consistent with the European Biodiversity Strategy and UN Aichi targets. The British Standard offers a coherent methodology for biodiversity management.
Commuting Routes	Linear features used as flight lines by greater horseshoe bats e.g. hedgerows, tree lines, woodland edge and vegetated watercourses.
Competent Authority	For the purpose of the Habitats Regulations, a Competent Authority includes any Minister of the Crown, government department, statutory undertaker, public body of any description or person holding a public office. For planning applications, the Competent Authority would typically be the relevant Local Planning Authority.
Consultation Area	The combined area of the Sustenance Zone and Landscape Connectivity Zone (Figure 1). Based on current evidence the LPAs consider that applications outside the consultation zone will not have a likely significant effect on the South Hams SAC population of greater horseshoe bats.
Designated Roosts	The six greater horseshoe bat maternity and/or hibernation roosts designated as SSSI. These are thought to support an important proportion of the total greater horseshoe bat population across South Devon. Five of the roosts are within the South Hams Special Area of Conservation. See Figure 1.
Detailed HRA	Where it is clear from the Flow Chart in Section 3 that the application may have a likely significant effect on the South Hams SAC, alone or in-combination with other plans or projects, the LPA will need sufficient information from the applicant to produce a detailed HRA screening,

	and then, when necessary, an appropriate assessment. These two stages are referred to in this guidance as ‘detailed HRA’.
Echolocation	The sonar-like system used by bats to detect and locate objects by emitting usually high-pitched sounds that reflect off the object and return to the animal’s sensory receptors, either their ears or in the case of horseshoe bats, their nose ‘leaves’.
European sites (sites protected under European legislation)	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites.
European Protected Species	Species of plants and animals (other than birds) protected by law through the European Union and listed in Annexes II and IV of the European Habitats Directive.
Existing Mitigation Features (greater horseshoe bats)	Roosts, Commuting or Foraging Habitat created, enhanced or protected to meet Habitats Regulations requirements for approved projects relating to the South Hams SAC greater horseshoe bat population.
Favourable Conservation Status	Article 1 of the Habitats Directive defines conservation status for habitats as “the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species. Furthermore, the Directive states that the conservation status may be considered ‘favourable’ when: (a) its natural range and areas it covers within that range are stable or increasing; and (b) the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and (c) there is and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis’
Foraging Habitat	Feeding areas for greater horseshoe bats, primarily cattle grazed pasture, semi-natural woodland, unimproved pastures, meadows, hedges and watercourses.
Habitats Directive	South Hams SAC has been designated under the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (“the Habitats Directive”) as part of a European network of strictly protected sites important conservation sites that will make a significant contribution to conserving habitats and species listed in Annex I and Annex II of the Directive. These habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
Habitats Regulations	Various obligations of the Habitats Directive are transposed into domestic legislation by the Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012) (“The Habitats Regulations”). The Habitats Directives continues to have a direct effect in the UK and prevail in the event of a conflict between their provision and those of the Habitats Regulations. Decisions of the Court of the European Court of Justice are directly binding on UK competent authorities.

Habitats Regulations Assessment (HRA)	The assessment, required by the Habitats Directive and Habitats Regulations, carried out by the competent authority to assess the effects of projects or proposals on European protected sites. Stage 1 includes screening for likely significant effects. Stage 2 (Appropriate Assessment) assesses whether it is possible to avoid an adverse effect on site integrity.
HRA Screening	An assessment of whether the proposal will, on its own or in-combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account. The flow chart in section 3 should be used to identify whether an application may have a likely significant effect on the South Hams SAC greater horseshoe bat population. Where it is clear that there is no likelihood of significant effect there is no need for detailed screening. However, where there may be a likely significant effect the LPA will need to use information provided by the applicant to undertake a detailed HRA screening. Where screening cannot rule out a likely significant effect then appropriate assessment must be carried out.
Hibernation roost	Roosts where bats hibernate during the winter (greater horseshoe bats in South Devon largely use caves and disused mines but occasionally also use buildings with stable, cool temperatures and high humidity e.g. unheated cellars and ice houses).
In-combination effects	Effects that occur from a plan or project, in combination with other plans or projects to protect sites from cumulative effects of more than one project when the effects of project acting on the site alone would not be likely to be significant. Projects generally include [6]: Projects started but not finished Projects with consent but not started Applications lodged and not determined Refusals subject to appeal Known projects not needing consent Proposals in adopted plans Firm proposals in final draft plans
In-perpetuity	For the purposes of HRA, mitigation must cover the duration of impacts. Where impacts are permanent and irreversible mitigation should be delivered 'in-perpetuity'. Legal counsel may need to be sought in some cases when a defined time frame is required under The Perpetuities and Accumulations Act 2009.
Landscape Connectivity Zone	The area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats and providing connectivity between the Designated Roosts.
Likely significant effects	Effects, considered in HRA screening, which would undermine the SAC's Conservation Objectives. If, on the basis of information provided, a likely significant effect cannot be ruled out then Stage 2 of the HRA (an appropriate assessment) must be undertaken by the competent authority.

LPA – Local Planning Authority	The Local Planning Authority is the Authority responsible for planning and development management functions.
Material consideration	A material consideration is a matter that should be taken into account in deciding a planning application or in an appeal against a planning decision.
Maternity roost	The place where, during summer, female greater horseshoe female bats gather to have and raise their pups.
Mitigation	Measures to avoid and reduce significant adverse effects on the integrity of the South Hams SAC population of greater horseshoe bats.
Permitted development	Permitted development rights are a national grant of planning permission which allows certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity. Rules relating to permitted development are set out in the General Permitted Development Order.
Pinch Point	Known or potential greater horseshoe bat commuting routes which are significantly restricted e.g. due to urban encroachment. or proximity to the sea / estuaries. Further restriction to a Pinch Point could significantly impact on the movement of greater horseshoes and potentially have a likely significant effect on the SAC.
Plans or projects	Plans or projects in the context of HRA are defined as [6]  A plan is: Any new document (or modification, modification alteration or revocation) whatever form or title it may have Which goes beyond mere aspiration and sets out an intended course of action OR A detailed proposal for doing, planning, regulating or achieving something OR An intention/decision about what is going to be done BUT Excluding statements of general aspiration or political will or general intentions  A project is capable of being: Anything that requires any form of new or renewed or periodically renewable authorisation or any variation, modification or revocation of an authorisation
Planning applications	As well as planning applications this term includes prior approval notices and non-material amendments.
SAC - South Hams Special Area of Conservation	South Hams Special Area of Conservation. Designated for its internationally important greater horseshoe bat population and habitats including dry heaths, semi-natural dry grasslands, scrub, woodland, cliffs and caves.

SSSI - Site of Special Interest	An area or site that is designated by Natural England under the Wildlife and Countryside Act 1981 for its nationally important biodiversity.
Sustenance Zone	The area within 4kms of Designated Roosts which includes critical Foraging and Commuting Habitat for greater horseshoe bats.

## Appendix 1 – Contact Details

Dartmoor National Park Authority  
Parke  
Bovey Tracey  
Newton Abbot  
Devon  
TQ13 9JQ  
[planning@dartmoor.gov.uk](mailto:planning@dartmoor.gov.uk)  
01626 832093

Devon County Council  
  
AB2 Lucombe House  
County Hall  
Exeter  
EX2 4QD  
[planning@devon.gov.uk](mailto:planning@devon.gov.uk)  
01392 381222

South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5Natural England  
[DM@swdevon.gov.uk](mailto:DM@swdevon.gov.uk)  
01803 861234

Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
Devon  
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[Planning@teignbridge.gov.uk](mailto:Planning@teignbridge.gov.uk)  
01626 215735

Torbay Council  
Tor Hill House  
Union Street  
Torquay  
TQ2 5QW  
[planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)  
[01803 208804](tel:01803 208804)

Natural England  
[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)  
Discretionary Advice Service Form:  
<https://www.gov.uk/government/publications/charged-environmental-advice-service-request-form>  
0300 060 3900

Devon Biodiversity Records Centre - <http://www.dbrc.org.uk/>  
[DBRC@dbrc.org.uk](mailto:DBRC@dbrc.org.uk)  
01392 274128

## Appendix 2 – Overview of updates to the 2010 Guidance

This guidance updates and replaces the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010.

### **Evolving the Strategic Flyways into a Landscape Connectivity Zone**

#### Strategic Flyways

Strategic Flyways were mapped for the 2010 guidance using a combination of greater horseshoe bat data available at that time (including radiotracking data) and knowledge of greater horseshoe bat ecology. The Strategic Flyways were drawn to connect known roosts (particularly the Designated SAC roosts) and were based on contiguous landscape features which were thought most likely to be used by greater horseshoe bats (especially river corridors and sheltered valleys). For clarity it should be noted that, except for those used by radiotracking studies, there was no evidence for the majority of Strategic Flyways, as to whether or not they were used by greater horseshoe bats. The flyways were made 500 metres wide to offer several pathways and provide alternative routes to accommodate variance in weather.

The introduction of Strategic Flyways through the 2010 guidance was critically important in raising awareness of the importance of commuting routes (through the South Devon landscape) in supporting the SAC's population of greater horseshoe bats, and the potential for applications to have a likely significant effect on the SAC population of greater horseshoe bats away from the Designated Roosts and Sustenance Zones.

#### Data update

Since 2010 the number of records of greater horseshoe bats held by Devon Biodiversity Records Centre (DBRC) has increased, in part due to the Devon Bat Survey which began as part of the Devon Greater Horseshoe Bat Project in 2016. During 2015/16 in order to ensure that the evidence base for this Guidance was as complete as possible, the LPAs collated further records from planning applications and from local experts (through one-to-one meetings and a 2017 workshop with ecological consultants, bat workers and Devon Bat Group members). These records were added to the DBRC data set. The methodology for this work is available from Devon County Council and the majority of the bat data (other than in situations in which the source of the data does not want it shared) is available through DBRC's standard data services.

It is important to be aware that the updated evidence base is composed of ad hoc records and does not provide a complete picture of greater horseshoe bat distribution and activity. Blank spaces do not equate to no bats. However, the evidence base does illustrate that there are records of greater horseshoe bats and small roosts (away from the Designated roosts) across much of the South Devon landscape.

In addition to the evidence base collated by the LPAs, a University of Sussex research study collected data during 2016 from static recorders placed at increasing distances from three SAC maternity roosts (Buckfastleigh, Chudleigh and High Marks Barn). These data support the findings of the evidence review that SAC greater horseshoe bats are widely dispersed across the landscape at increasing distance from the designated roosts, using a complex and widely distributed network of commuting routes [20].

### Implications

All existing evidence (from research and records) indicates that away from Designated Roosts and Sustenance Zones greater horseshoe bats are dispersed across the landscape in low numbers. They use a complex network of sheltered hedges, woodland edge, stream corridors etc to move around the landscape between the Designated Roosts and also between other smaller roosts as required through the year (mating roosts, day roosts, hibernation roosts, transitional roosts etc). Schofield (1996) highlights the importance of maintaining access to smaller roosts in order to help ensure future population resilience. He states that regular use of satellite roosts over a number of years could promote the establishment of new maternity roosts as more individuals use them [21].

In order to maintain long term Favourable Conservation Status of the population it is therefore important that we maintain sufficient connectivity across the whole of this landscape (allowing landscape scale permeability), rather than just protecting a number of Flyways.

In order to achieve this broader landscape connectivity, the Strategic Flyways have been replaced with a Landscape Connectivity Zone (LCZ). This change was agreed at a Steering Group meeting which included Professor Fiona Matthews (greater horseshoe bat expert) and Steve Markham (bat consultant and one of the authors of the 2010 guidance).

The LCZ has been drawn up, using best available evidence and following the precautionary principle, to include the landscape most likely to be regularly used by the majority of the bats forming the SAC greater horseshoe bat population, noting that there will always be some movement of bats into and out of this zone and that very little is known on how bats use the landscape throughout the year.

The LCZ includes:

The landscape between the Designated Roosts - included to maintain landscape permeability between these key roosts.

The landscape up to 10kms from Designated Maternity Roosts. 10kms is based on:

Advice from Billington and Rawlinson (2006) to CCW to identify key radial zones which extend 10kms from roosts [22]. They state, 'only a small part of this area is likely to be used for foraging, but flight routes may lead further connecting to other roost sites. The aim should be to maintain habitat links through the area..... Before any major developments are allowed within 10km of any greater horseshoe roost .... detailed studies should be made to consider potential impacts'

Jones et al (1995) recorded many individuals flying distances of 10km from maternity roosts to hibernate [23].

This landscape includes all of the smaller roosts (largely day and night roosts) identified through radiotracking to be used by bats from the Designated Maternity Roosts [16,17,18,19]

As bats occur at a low density in this zone it is considered that impacts on individual commuting routes would be unlikely to have a significant effect on the population as a whole. However, impacts on a network of commuting routes within this area could result in a significant number of bats having to find new, longer routes across the countryside (potentially reducing their ability to survive due to using up energy pre and post hibernation) or being prevented from accessing roosts altogether. These impacts could have a likely significant effect on the South Hams SAC population as a whole.

Given that greater horseshoe bats in the Landscape Connectivity Zone are found in low numbers it is considered that there is sufficient evidence to reasonably assume that impacts on roosts and habitat beyond this boundary will impact on so few bats that there will not be a likely significant effect on the SAC's greater horseshoe bat population (unless there is evidence to the contrary).

The LPAs are committed to working with DBRC and others to keep records of greater horseshoe bats as up to date as is reasonably possible and to work with partners to ensure that surveys of any potentially significant roosts are undertaken. The LCZ boundary will be updated to reflect any new findings where appropriate.

#### Amended boundaries to the Sustenance Zones

Note that all the boundaries of the 2010 Sustenance Zones have been amended. The boundaries are now 4km from the centre of the roosts rather than 4km from the edge of the mapped SSSI. Due to its location next to the sea and urban development within Brixham Town the Berry Head Sustenance Zone remains (as for the 2010 Guidance) based on a sustenance area equivalent to a 4km radius circle.

#### Survey

In 2016 the Bat Conservation Trust (BCT) published new survey guidelines. The LPAs and Natural England have agreed that these guidelines should replace the survey specification in the 2010 South Hams SAC guidance.

## References

- [1] Bat Conservation Trust Greater horseshoe bat fact sheet  
[https://cdn.bats.org.uk/pdf/About%20Bats/greaterhorseshoe\\_11.02.13.pdf?mtime=20181101151259](https://cdn.bats.org.uk/pdf/About%20Bats/greaterhorseshoe_11.02.13.pdf?mtime=20181101151259)
- [2] Natural England (2019) South Hams SAC Conservation Objectives Supplementary Advice <http://publications.naturalengland.org.uk/publication/6279422093033472>
- [3] DEFRA (2012) Department for Environment, Food and Rural Affairs Habitats Directive: guidance on the application of article 6(4) Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures. August (2012)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82647/habitats-directive-iropi-draft-guidance-20120807.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82647/habitats-directive-iropi-draft-guidance-20120807.pdf)
- [4] Defra (2012) The Habitats and Wild Birds Directives in England and its seas. Core guidance for developers, regulators and land/marine manager (draft for publication)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82706/habitats-simplify-guide-draft-20121211.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf)
- [5] ODPM Circular 06/2005: Biodiversity and Geological Conservation
- [6] DTA Publications Limited (2019) The Habitats Regulations Assessment Handbook
- [7] Natural England (2010) South Hams SAC Greater horseshoe bat consultation zone planning guidance
- [8] Natural England Standing Advice on Protected Species <https://www.gov.uk/guidance/bats-protection-surveys-and-licences> and <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>
- [9] Stone, E.L. (2013) Bats and Lighting. Overview of current evidence and mitigation.
- [10] Ransome R D and Hutson M (2000) Action plan for the conservation of the greater horseshoe bat in Europe (*Rhinolophus ferrumequinum*) Convention on the Conservation of European Wildlife and Natural Habitats. Council of European Publishing.
- [11] Flanders, J and Jones, G. (2009). Roost use, ranging behaviour and diet of Greater Horseshoe Bats *Rhinolophus ferrumequinum* Using a Transitional Roost. *Journal of Mammology* 90:88-896
- [12] Duverge P 1996. Foraging activity, habitat use, development of juveniles, and diet of the Greater Horseshoe Bat (*Rhinolophus ferrumequinum*). – Schreber 1774) in south-west England. PhD Thesis, University of Bristol
- [13] Duverge P. L & Jones G. (1994) Greater Horseshoe Bats – activity foraging behaviour and habitat use. *British Wildlife* 6: 69-77.
- [14] Ransome R. D. (1996), The management of feeding areas for greater horseshoe bats. English Nature Research Report No.174 English Nature, Peterborough

- [15] Ransome R. D. (1997). The management of greater horseshoe bat feeding areas to enhance population levels. English Nature Research Report No. 241. English Nature, Peterborough.
- [16] Billington, G. (2002). Radio tracking study of Greater Horseshoe Bats at Buckfastleigh Caves Site of Special Scientific Interest English Nature Research Report no. 573. Peterborough English Nature
- [17] Billington G. (2002) Radio tracking study of greater horseshoe bats at Chudleigh Caves and Woods Site of Special Scientific Interest, English Nature Research Report 496
- [18] Robinson, M. F., Webber, M & Stebbins, R.E. 2000. Dispersal and foraging behaviour of Greater Horseshoe Bats, Brixham, Devon. English Nature Research Report No. 344. Peterborough: English Nature
- [19] Vincent Wildlife Trust (2012) Unpublished radiotracking data from High Marks Barn tracked bats.
- [20] Finch D (pers. comm.) University of Sussex Ph.D. field research (2016): Informing Landscape Scale Management of the Greater Horseshoe Bat (*Rhinolophus ferrumequinum*).
- [21] Schofield H.W. (1996). The ecology and conservation biology of *Rhinolophus hipposideros*, the lesser horseshoe bat. Unpublished PhD Thesis, University of Aberdeen.
- [22] Billington, G & Rawlinson, M.D (2006) A review of horseshoe bat flight lines and feeding areas. CCW Science Report No.775
- [23] Jones, G., Duvergé, P.L., and Ransome, R.D., (1995). Conservation of an endangered species: field studies of greater horseshoe bats. *Symp. Zool. Soc. London.* 67 309 -324.

## South Hams SAC Greater Horseshoe Bat HRA Guidance Consultation Summary

The guidance was subject to a full 8-week consultation beginning in April 2018. Within the early stages of the consultation, a consultation event was held involving key stakeholders, local interest groups and interested residents. A total of 35 responses were received from the following organisations (individuals not listed):

Abbotskerswell Parish Council  
 BSG Ecology  
 Buckfastleigh Town council  
 Corylus Ecology  
 CPRE  
 Dartington Hall Trust  
 Devon Bat Group  
 Devon Wildlife Trust  
 Eagle One Homes Ltd  
 Green Ecology  
 Harberton Parish Council  
 Mineral and Resources Planning Association  
 Natural England (no comment)  
 Paignton Neighbourhood Planning Association  
 PCL Planning  
 Rattery Parish Council  
 Sibelco  
 South West Water (no comment)  
 Torquay Neighbourhood Plan Forum  
 Wolborough Residents Association

The following headings provide a summary of the key themes of responses received and the changes made to the document in response to these comments in agreement with the relevant Local Planning Authorities and Natural England.

The summary does not necessarily include all comments in detail, but the representations in full are available on the Devon County Council website at:

[www.devon.gov.uk/planning/planning-policies/other-county-policy-andguidance/south-hams-sac-spd-consultation](http://www.devon.gov.uk/planning/planning-policies/other-county-policy-andguidance/south-hams-sac-spd-consultation)

### Status

A number of the responses raised concerns regarding the contents of the document and whether it was appropriate to be adopted as SPD rather than DPD. Further comments sought to elevate the status of the SPD to a DPD so that further protection and more prescriptive policy could be adopted to conserve and enhance the SAC. Whilst it is not thought that the document consisted of policy that guided the use of land and therefore could not have been SPD, it was not sufficient to require DPD status. In light of this and Legal Advice sought by the LPAs, the Steering Group agreed to amend the contents of the document to make clear that the document is only intended as a screening document and to seek approval of the document from members as guidance.

The document is intended to be used by those preparing and validating planning applications to determine whether HRA is required and therefore identify the survey effort and potential mitigation that may be required.

**Structure**

Various responses commented on the structure of the document and noted that it was legible and clear to follow. However, a small number of responses noted that the document used technical and inaccessible language. In response to this, the guidance has been edited to remove technical terminology and the glossary updated to ensure that necessary technical terms are fully defined.

A number of comments also raised that the purpose of the document was not clear. This point has been addressed through the redrafting of the document as guidance and the purpose made clear.

**Strategic Flyways**

Some consultation responses queried the principle of replacing the strategic flyways concept with the Landscape Connectivity Zone (LCZ). The designation of flyways was based on the best available evidence at the time. Evidence now shows that the bats are dispersed in low numbers throughout the landscape, rather than following strategic flyways. In order to maintain long term Favourable Conservation Status of the population it is important that we maintain sufficient connectivity across the whole of this landscape (allowing landscape scale permeability) rather than just protecting a number of flyways. The new approach helps to ensure that all developments likely to have a significant effect on the integrity of the South Hams SAC undergo HRA. Through discussion with bat experts the Steering Group agreed that the LCZ should replace the flyways.

**Landscape Connectivity Zone boundary**

Responses to the consultation raised concerns regarding the chosen boundary of the LCZ and whether this responded appropriately to evidence and covered a sufficiently large area. In response to the consultation and further review of available evidence and guidance the boundary of the LCZ has been amended slightly. The LCZ still includes the landscape between the Designated Roosts but now also includes the landscape up to 10kms from Designated Maternity Roosts. 10kms is based on advice from experts (Billington and Rawson, 2006) and to include all of the smaller roosts identified through radiotracking to be used by bats from the Designated Maternity Roosts (see the 2019 Guidance for full references).

It is important to note that roosts and GHBs outside of the LCZ are protected through other legislation.

**Sustenance Zones**

A small number of responses questioned the size of the Sustenance Zones. The 4km zones have not been changed in response to the consultation as the distance selected is based on evidence as outlined in the 2019 Guidance. Note however that the boundaries are now 4km from the centre of the roosts rather than the edge of the mapped SSSI (see Appendix 2 of the Guidance for further detail).

**Monitoring and Review**

Responses to the consultation highlighted the need for the document to include detail as to how the approach will be monitored and reviewed. Section 5 of the final Guidance includes these details.



## **Public Notice and Annual Forward Plan – July 2019**

- 1 This is an Annual Forward Plan of the key decisions and other decisions the Leader of Teignbridge anticipates the Executive taking during the next 12 months. Key decisions are decisions which the Council consider significant having had regard to Government guidance. This Plan may include other decisions which are not key decisions to be taken by the Executive, including for example, where the Executive is to make a recommendation to the Council.
- 2 Details of the proposed decisions are attached.
- 3 The decisions which the Executive propose to take in private and the reasons why are detailed in the list together with a brief description of the matter to be decided. If you do not think the decisions should be taken in private please advise the Democratic Services with your reasons [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)
- 4 The documents which will be taken into account when making key decisions in the part of the meeting open to the public are available for inspection. Details are listed. Other documents may become available nearer the meeting. If you would like copies please contact the author of the report. Author's names and contact details are shown in the attached list. If you would like additional documents relating to a decision as they become available please contact the author and make this request.
- 5 Where possible, the District Council will attempt to keep to the dates shown in the Plan. It is quite likely, however, that some items will need to be rescheduled and new items added as new circumstances come to light.
- 6 This Plan will be updated on a monthly basis.
- 7 You are welcome to attend the meetings. They will take place in the Council Chamber at the address below. Agendas for Executive and other Council meetings are available on the Council's website.
- 8 You can ask questions regarding any item either in person or in writing. The deadline for the submission of questions is 12 Noon two working days prior to the meeting. You are advised to contact Democratic Services in advance of this time where assistance is available if required.
- 9 Should you wish to make the Councillors aware of any information in advance of a meeting you can make representations in writing. These can be made up until the commencement of the meeting. You can also lobby Members of the Executive in advance of the meeting and for information on this or if you have

any further queries, please contact the Democratic Services Sarah Selway  
sarah.selway@teignbridge.gov.uk

- 10 The agendas for the meetings can be made available before the meetings on the Council's website.

## TEIGNBRIDGE DISTRICT COUNCIL – EXECUTIVE FORWARD PLAN

Forward Plan of anticipated key decisions by the Executive for the next 12 months commencing 1 July 2019

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Armed Forces Covenant	30 Jul 2019		Open	No	Report Of Amanda Pujol, Interim Head of Service Delivery and Improvement Contact:
Local Plan Review – 5 Year Position Statement	30 Jul 2019		Open	Yes	Report Of Michelle Luscombe, Principal Policy Planner Contact: Tel: 01626 215754
South Hams Greater Horseshoe Bat SAC – HRA Guidance	30 Jul 2019		Open	Yes	Report Of Trevor Shaw, Senior Planning Officer Contact: Tel: 01626 215703
Garden Communities	5 Sep 2019		Open	Yes	Report Of Fergus Pate, Principal Delivery Officer Contact: Tel: 01626 215466
East – West cycle route (Ashburton Road, Newton Abbot).	5 Sep 2019		Open	Yes	Report Of Estelle Skinner, Green Infrastructure Officer, Contact: Tel: 01626 215755
Land at Staplehill Road, Newton Abbot	5 Sep 2019		Fully exempt	No	Report Of Donna Best, Estates & Development Manager Contact: Tel: 01626 215467
Electric Vehicles Policy	8 Oct 2019		Open	Yes	Report Of David Eaton, Environmental Protection Manager Contact: Tel: 01626 215064

<b>Matter for Consideration</b>	<b>Date of Decision</b>	<b>Council Date</b>	<b>Private Decision</b>	<b>Key Decision?</b>	<b>Report Author(s) &amp; Contact Name &amp; number</b>
Teignbridge Design Framework and Wolborough Masterplan DPD	8 Oct 2019		Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Initial budget proposals 2020/21	7 Jan 2020	14 Jan 2020	Open	Yes	Report Of Martin Flitcroft, Chief Finance Officer Contact: Tel: 01626 215246
Final Budget Proposals 2020/21.	6 Feb 2020	24 Feb 2020	Open	Yes	Report Of Martin Flitcroft, Chief Finance Officer Contact: Tel: 01626 215246
Teignbridge Design Framework and Wolborough Masterplan DPD – Proposed Submission 9 88	6 Feb 2020		Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Local Plan Review 2020-2040 – Draft Plan	10 Mar 2020		Open	Yes	Report Of Michelle Luscombe, Principal Policy Planner Contact: Tel: 01626 215754
Greater Exeter Strategic Plan			Open	Yes	Report Of Simon Thornley, Business Manager - Spatial Planning Contact: Tel: 01626 215706
Teignmouth Regeneration			Open	Yes	Report Of Tony Watson, Interim Head of Commercial Services Contact: Tel: 01626 215828
Leisure Strategy			Open	Yes	Report Of Lorraine Montgomery, Interim Head of Operations Contact: Tel: 01626 215852

<b>Matter for Consideration</b>	<b>Date of Decision</b>	<b>Council Date</b>	<b>Private Decision</b>	<b>Key Decision?</b>	<b>Report Author(s) &amp; Contact Name &amp; number</b>
Teignbridge Car Park Plan - draft for consultation			Open	Yes	Report Of Neil Blaney, Economy Manager Contact: Tel: 01626 215233
Affordable Housing Supplementary Planning Document and Starter Homes			Open	Yes	Report Of Simon Thornley, Business Manager - Spatial Planning Contact: Tel: 01626 215706
Dawlish Warren Habitat Mitigation			Open	Yes	Report Of Fergus Pate, Principal Delivery Officer Contact: Tel: 01626 215466

