

Report to: **Executive**

Date: **15 March 2018**

Title: **SOUTH HAMS SPECIAL AREA OF CONSERVATION
– JOINT SUPPLEMENTARY PLANNING DOCUMENT
– APPROVAL FOR CONSULTATION**

Portfolio Area: Customer First

Wards Affected: Marldon, Littlehempston, Dartmouth and East Dart,
West Dart, Blackawton and Stoke Fleming, Totnes,
Dartington and Staverton, Allington and Strete,
Loddiswell and Aveton Gifford, South Brent

Relevant Scrutiny Committee: Overview and Scrutiny

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of
substantive decision)

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Recommendations:

The Executive RESOLVES to approve publication of the South Hams Special Area of Conservation draft Joint Supplementary Planning Document for joint public consultation.

1. Executive summary

- 1.1 This South Hams Special Area of Conservation (SAC) draft Joint Supplementary Planning Document (SPD) updates and replaces the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010.
- 1.2 The joint SPD covers an area which lies within five Local Planning Authority areas: South Hams District Council, Dartmoor National Park

Authority, Devon County Council, Teignbridge District Council and Torbay Council.

- 1.3 It is intended to run a joint consultation on the draft SPD for a period of 6 weeks from mid-April to the end of May.

2. Background

- 2.1 The South Hams SAC is a European Site designated in part for its population of greater horseshoe bats and includes both maternity and hibernation roosts vital to the survival of the species. The South Hams SAC is thought to hold the largest population of Greater horseshoe bat in the UK, and is the only one containing more than 1,000 adult bats (31% of the UK species population). It contains the largest known maternity roost in the UK and possibly in Europe, and also hibernation roosts, both of which are vital for the survival of the species.
- 2.2 Unusually, the South Hams SAC comprises five separate but linked component Sites of Special Scientific Interest (SSSIs). A sixth site at High Marks Barn was designated as a SSSI in 2012 as an important greater horseshoe bat maternity roost. Whilst not formally part of the SAC, the colony is an integral part of the overall SAC population and accordingly it is considered important in terms of maintaining the integrity of the South Hams SAC.
- 2.3 The existing 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010 has been used by the five LPAs, developers and consultant ecologists since 2010. The original Guidance was written to assist LPAs (competent authorities) with meeting their statutory obligations under the Habitats Regulations (namely whether a proposed development would have significant impacts on the South Hams SAC), and also to assist consultant ecologists and developers with identifying developments which could have an impact on the South Hams SAC, the survey effort required to make an informed decision on the significance of impacts, mitigation measures, and ultimately acceptability or otherwise of a proposed development.
- 2.4 The update and replacement with the draft Joint SPD takes on board feedback from developers, consultants and planners on the 2010 guidance, new data relating to greater horseshoe bats roosts and activity and experience gained over the last eight years.
- 2.5 Unlike adopted Local Plans, an SPD does not form part of the statutory Development Plan and does not contain policies. Instead, the SPD is intended to sit alongside the relevant adopted and emerging local plans to help all developers, applicants and competent authorities determine, through a clear, rationalised decision process, whether plans and projects within the proposed Consultation Zone require a Habitats

Regulations Assessment (HRA) Screening in order to promote the protection and enhancement of the South Hams SAC greater horseshoe bat population.

- 2.6 An HRA Screening is essentially a means of clearly recording the likelihood of significant effects of a proposed development on the features associated with the South Hams SAC, and the significance of these effects once avoidance and/or mitigation measures are taken into account. Based on this the Local Planning Authority can make a decision as to whether the proposal will have an adverse effect on the SAC greater horseshoe bat population (if so, it would trigger further stages within the HRA process).
- 2.7 The draft SPD has been prepared jointly by the authorities in partnership with Natural England and in consultation with leading experts in the field of bat ecology.

3. Approach within the draft Joint SPD

- 3.1 Greater horseshoe bats travel relatively large distances across the landscape and have large foraging territories. As such, they are not confined to the designated SAC sites, but move across the wider landscape and between the SAC sites, using key features in the landscape to navigate and forage. The species are long-lived (in excess of 30 years) with the bats remaining faithful to the important roosting sites, returning year after year. They feed primarily in and around woodlands, hedges and grazed pasture (particularly cattle grazed). Any loss or degradation to such areas can have an impact including removing key food sources and eradication or features used by the species to navigate and commute between roost sites and feeding areas.
- 3.2 Building upon the 2010 Guidance approach of Sustenance Zones (4km foraging areas around the SSSIs) and Strategic Flyways (main flyways between roosts, typically rivers) the draft Joint SPD establishes a South Hams SAC Consultation Area (Shown in Figure 1, page 10 of Appendix 1) to assist those developing, determining and commenting on planning applications in this area.
- 3.3 The draft Joint SPD provides guidance on the implementation of national policy and local Development Plan policies with respect to the South Hams SAC by providing clarity on planning requirements in order to reduce costs and delays to both developers and LPAs and to ensure that the legal duties associated with the Habitats Regulations are met with regards to the South Hams SAC.
- 3.4 The SPD clearly sets out, through defining a South Hams SAC Consultation Area (encompassing Sustenance Zones and a Landscape Connectivity Zone), where and under what circumstances there is the potential for plans and projects to have a likely significant effect on the South Hams SAC and therefore when an HRA Screening is required. It

also outlines the information required from the applicant at each stage of the planning process in the case of an HRA Screening being required including survey, mitigation and monitoring requirements. The main changes are listed in Annex 3 of Appendix 1.

- 3.5 To support the SPD, the important features of the South Hams SAC alongside data on potential 'pinch points' are mapped and will be available on Devon County Council's online Environment Viewer mapping service. This information will be publicly available to assist in the early identification of potential in-combination effects to be assessed through the HRA Screening process.
- 3.6 A series of Advice Notes are being developed to sit alongside the SPD to provide more detail and technical information. These Advice Notes do not form part of the SPD and therefore are not subject to this consultation.
- 3.7 **HRA Screening in Sustenance Zones**
Sustenance Zones are the area within 4km of designated maternity and hibernation roosts which include critical foraging habitat and commuting routes for bats using the roosts. The SSSI/SAC roosts and the Sustenance Zones are strategically important in maintaining the population of greater horseshoe bats across the South Hams SAC. Development within, or in close proximity to, these sites could therefore have a Likely Significant Effect on the integrity of the South Hams SAC. Even small-scale changes to the landscape have the potential to affect the integrity of the SAC and therefore HRA Screening will be required for any plan or project which impacts on greater horseshoe bat habitat or flight lines in a Sustenance Zone.
- 3.8 **HRA Screening in Landscape Connectivity Zone**
The Landscape Connectivity Zone provides a different function to the Sustenance Zones, offering an important network of commuting routes used by the SAC population of greater horseshoe bats. In the Landscape Connectivity Zone, greater horseshoe bat activity occurs in smaller numbers than within the Sustenance Zones and bats are much more dispersed across this area. As such only developments which severely restrict the movement of bats at a landscape scale could impact on the SAC bat population (generally therefore large housing / road / quarry developments) and would be subjected to HRA Screening.
- 3.9 The Joint SPD approach will enable clarity and consistency across the five Local Authority areas, including survey effort, mitigation approach, and HRA Screening, which will assist planners, developers and consultant ecologists.

4. Consultation Arrangements

- 4.1 The consultation, lasting for 6 weeks and anticipated to run between mid-April and the end of May, will be administered centrally by Devon County

Council on behalf of the five Local Planning Authorities. Documents will be available to view online, at the relevant Council offices and at libraries within the consulting authority areas. Paper copies of the document will be available on request to the County Council. Comments will be able to be submitted by using a consultation response form available online or by post which can be submitted electronically or by post.

- 4.2 The consultation invites views on 7 main questions (listed on page 4 of Appendix 1) relating to changes to the draft Joint SPD from the 2010 Guidance, and concerning the clarity of aspects of the SPD.
- 4.3 Following the end of the consultation period, the Local Planning Authorities will consider all submitted representations and, having made any necessary amendments to reflect consultation responses, the final SPD will be brought back to Executive before proceeding to adoption of the SPD at a full Council Meeting.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council is a 'Competent Authority' with respect to European Sites, and associated obligations under The Conservation of Species and Habitats Regulations (2017). The Council is required to consider whether proposed plans or projects would have a significant effect on European Sites (such as the South Hams SAC). The draft Joint SPD is a means of assisting the Council with its consideration of likelihood and severity of impacts from a proposed plan or project on the South Hams SAC. There is also a requirement to consider impacts 'in combination' and the draft Joint SPD will assist with cross-boundary considerations.
Financial		There are no financial implications to the Council associated with this proposal. It is anticipated that the Joint SPD may reduce some costs and delays to both Local Planning Authorities and developers by providing clarity and consistency on planning requirements associated with the South Hams SAC.
Risk		None directly arising from this report.
Comprehensive Impact Assessment Implications		

Equality and Diversity		None directly arising from this report.
Safeguarding		None directly arising from this report.
Community Safety, Crime and Disorder		None directly arising from this report.
Health, Safety and Wellbeing		None directly arising from this report.
Other implications		None directly arising from this report.

Supporting Information

Appendices:

Appendix 1 – South Hams SAC Consultation Draft Joint SPD (February 2018)