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Our ref: 535139
Your ref: Torbay Local Plan Regulation 18 Consultation



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BY EMAIL ONLY

Dear Sir / Madam

Planning consultation: 535139
Location: Torbay Local Plan Regulation 18 Consultation

Thank you for your consultation on the above dated 03 December 2025 which was received by Natural England on 03 December 2025

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the opportunity to comment on the Draft Torbay Local Plan. Torbay contains a concentration of nationally and internationally important environmental assets, and we recognise the challenge of accommodating growth within such a highly constrained ecological and landscape context.

We welcome the brownfield first approach and strategic approach to Green Infrastructure. Our advice below is provided in accordance with our statutory duties under the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2017 (as amended).

1. Water Quality, Wastewater Capacity and the Water Cycle Study

1.1 Water Cycle Study (WCS) and Policy WR5

Paragraph 8.72 of the Plan identifies a predicted **11% increase in combined sewer spills by 2040**. If the Local Plan does not address this, it represents a potential significant risk to the integrity of the Lyme Bay and Torbay Marine SAC and the Torbay Marine Conservation Zone (MCZ). Natural England welcomes the preparation of the WCS and advises that its findings must be fully incorporated into the Habitats Regulations Assessment (HRA). The WCS identifies:

- wastewater treatment capacity constraints
- risks of deterioration in transitional and coastal water bodies
- potential pathways of effect to the Lyme Bay & Torbay Marine SAC and the Torbay MCZ

Natural England has concerns about the potential impact of increased sewage on the reefs and associated biodiversity that comprise the SAC and MCZ. For the SAC we advise that these matters require assessment through Appropriate Assessment at the next iteration of the plan for it to be compliant with the Conservation of Habitats and Species Regulations 2017 (as amended).

Whilst we recognise that Policy W5 provides something of a backstop guarantee at a project planning level, this has higher risk than strategic long term infrastructure guarantees.

1.2 Marine Conservation Zones (MCZs)

As MCZs fall outside the scope of the Habitats Regulations, impacts could be assessed through the Sustainability Appraisal/SEA or a dedicated cumulative MCZ assessment to ensure compliance with the Marine and Coastal Access Act 2009 and the Water Framework Directive (WFD).

1.3 Policy ER2 – Drainage Hierarchy

While the inclusion of a drainage hierarchy is welcomed, allowing discharge to combined sewers as a ‘last resort’ may not be appropriate in catchments already exceeding capacity, such as Hope’s Nose and Ilsham Valley. Although limiting discharge to greenfield runoff rates controls the *speed* at which water enters the system, it does not control the *total volume*. SuDS can slow flows, but they cannot replicate the natural absorption capacity of undeveloped soils, meaning a greater overall volume ultimately reaches the combined sewer.

In catchments where the combined network is already under hydraulic stress and storm overflows contribute to water quality pressures in sensitive coastal waters, any increase in total volume — even at a controlled rate — risks exacerbating overflow frequency and duration. The Habitat Regulations Assessment in the next iteration of the plan should assess the impact of this on protected sites.

2. South Hams SAC – Greater Horseshoe Bats

The Torbay Plan area contains one of the five zones that make up the South Hams Special Area of Conservation (SAC), designated primarily for its internationally important bat populations. Berry Head supports a significant roost of Greater Horseshoe Bats, whose core sustenance and foraging area extends approximately 5 km from the roost. This sustenance zone covers all Brixham and Churston Ferrers and reaches into the southern parts of Paignton. The remainder of Paignton and Torquay lies within a wider landscape connectivity zone. As a result, most development proposed in the Local Plan will need to consider potential impacts on bats. To be considered sound at Regulation 19, the Plan will have to demonstrate—using scientific evidence—that impacts on the South Hams SAC can be fully mitigated.

While reviewing the [Housing and Employment Allocations Map](#), we noted that the accompanying [wildlife assessment](#) also included sites from the preceding Housing and Economic Land Availability Assessment which has a larger footprint of potential development. This created uncertainty about which sites are proposed for allocation. Our comments assume that the Housing and Employment Allocations Map represents the actual allocations being taken forward.

The Torbay Local Plan presents significant challenges in preserving the integrity of the SAC’s bat population in the face of cumulative development pressures. We understand that Torbay Council intends to produce an in-combination study assessing cumulative impacts on bats across all allocations, though we did not see a reference to this within the consultation documents. Natural England supports this approach.

Natural England advises that the Strategic In-Combination Assessment should include:

- A mapped network of strategic flyways
- Quantification of bat supportive habitat loss at minimum within the 5km sustenance zone

Allocation comments for bats

- **H3BCG.3 / EIB.2:** The site lies within a sustenance zone and contains a recognised radio-tracked Greater Horseshoe Bat flight path, as shown on the Devon Environment Viewer. This route runs through woodland within the northern part of the site and along its southern boundary. Torbay Council should consider whether these constraints affect the deliverability or intended purpose of the allocation.

Bat Policy Comments

Natural England welcomes and supports the requirements and level of detail in Policies NCS2 and NC4.

3. Berry Head SAC – Recreational Pressure

Suitable Alternative Natural Greenspace (SANG)

Policy SDBCG3 identifies a potential SANG south of Windy Corner to mitigate against recreational pressure at Berry Head. At this Regulation 18 stage, we note the inclusion of this approach within the emerging strategy. Matters relating to design, delivery and timing can be explored further as the plan evolves.

SAMMS

The draft plan refers to ongoing Strategic Access Management and Monitoring. We note that Torbay Council is reviewing long-term management arrangements for the site. We remain available for further engagement as required during later stages of plan preparation.

4. Biodiversity, Nature Recovery and Net Gain Policy NC3 – Biodiversity Net Gain

We support the 10% BNG requirement and the offsite requirements. We particularly welcome climate resilience, GI delivery plan and the LNRS as potential offsite considerations. This provides flexibility into the offsite approach.

It is noted that prioritising offsite delivery outside of the LPA boundary where strategic offsite biodiversity gains may be had, though positive for biodiversity and related urban environments, will incur Spatial Risk points in the Biodiversity Metric for the developer.

5. Green Infrastructure (GI)

5.1 Strategic Policy GIS

Natural England notes that the Local Plan and existing Green Infrastructure Delivery Plan creates an excellent framework for connectivity, multifunctionality, active travel and early integration of public open space. It could be improved by adding more design detail for **on-site GI**.

Torbay Council may wish to consider:

- a. Pointing the GI policy towards in-house Torbay GI design guidance set within a revised version of the Torbay GI Delivery Plan. This could include specific guidance on how to achieve climate resilience to back up the requirements of Policy CERS.
- b. Pointing the GI policy towards the [Natural England GI Framework](#), [Natural England Gi Principles](#), [Natural England Green Infrastructure Standards](#) and the [Natural England GI Design Guide](#). This forms a ready-made package of GI design principles that the LPA can instantly pick up and relate to its circumstances.

- c. Adding a set of high-level GI design principles tailored towards onsite design into the Policy.
- d. An enhanced emphasis on blue infrastructure. Given the issues with drainage in Torbay development should investigate all opportunities to reduce water run-off.

This would provide a clear indication of:

- the design principles expected of on-site GI
- the standards to be applied
- how GI will be secured, phased and maintained
- how GI will contribute to biodiversity, climate resilience and health outcomes

5.2 GI Delivery Plan and Local Nature Recovery Network

We are aware the 2011 GI Delivery Plan is in the process of being updated. We would recommend that, in addition to safeguarding existing green assets, the delivery plan identifies areas of the Draft Devon LNRS that integrates / spatially relates well with GI assets. These parts of the LNRS can be safeguarded within the Local Plan process, as alluded to in policy NCS1.

5.3 Green Infrastructure and Health

We support the requirement for new major development to promote a connection with green space and nature in Strategic Policy LS and mental health criteria for GI in Strategic Policy GIS. These policies would be strengthened by explaining **why** this is important—namely, that access to nature improves physical, mental health and supports social cohesion.

We recommend that the next version of the GI Delivery Plan:

- prioritises improving access to green and blue spaces in areas of high deprivation and poor GI provision, to help reduce health inequalities
- these areas can be identified using [Natural England's GI Mapping Tool](#) and [Accessible Greenspace Standards](#)
- scopes opportunities to enhance biodiversity within sports and recreation spaces, such as wildflower margins, tree planting and habitat features
- ensures that marine-related development increases access to blue space where appropriate, using inclusive design to maximise health and wellbeing benefits

5.4 GI and Town Centre Renewal (Chapter 4)

We advise that GI could be explicitly referenced within town centre renewal strategies. High-quality urban greening—including street trees, pocket parks, rain gardens and green roofs—can significantly improve air quality, thermal comfort, biodiversity and mental wellbeing. The [Natural England GI Design Guide](#) contains advice for urban centres.

5.5 GI in Local Services and Everyday Nature Contact

Natural England recommends a requirement for designing high quality GI into the footprints of local services such as health centres, schools and community hubs. Evidence shows that **spending at least 120 minutes per week in nature is associated with improved health and wellbeing.** [Spending at least 120 minutes a week in nature is associated with good health and wellbeing | Scientific Reports](#)

Designing incidental nature contact into everyday journeys—such as short circular walking routes, wellbeing gardens and biodiverse planting around public buildings—can help communities achieve this threshold.

There are many examples of good practice where GP surgeries have developed wellbeing gardens and nearby walking routes to support patient and staff wellbeing. The NHS Green Spaces and Biodiversity Toolkit [NHS Green spaces and Biodiversity toolkit](#) provides further guidance. Incorporating these principles into the Local Plan would support improved health outcomes and contribute to wider nature recovery.

6. Policy TH1: Trees, hedgerow and natural landscape features

Trees are a critical component of GI, providing shade, cooling, carbon sequestration and habitat connectivity. The tree replacement / mitigation policy will successfully mitigate against loss on sites with existing trees. The trunk girth approach reduces complexity for surveying.

An alternative approach that some councils are taking is using a minimum canopy cover percentage requirement. This approach has the advantage of a clear quantifiable minimum GI baseline expectation of tree provision on sites with low levels of existing tree provision.

Natural England is currently finalising its own [Urban Canopy Standards](#) which forms part of the [Natural England Green Infrastructure Framework](#). Forestry Commission research shows that average canopy cover in UK towns and cities is 16%, with 20% considered a realistic aspiration. [England's Urban Forests - Using tree canopy cover data to secure the benefits of the urban forest - Forest Research](#)

We hope this consultation response is useful. If you have any queries relating to the advice in this letter please contact me on neil.butler@naturalengland.org.uk

Yours sincerely

Neil Butler

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