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Wildlife Trust

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Dear Local Plan Team,

Draft Torbay Local Plan 2025-45 Regulation 19 Consultation

Thank you for the opportunity to comment on the Regulation 19 Publication Draft of the Torbay Local Plan. We confine our comments to those relating to nature and environment.

General comments

Nature policies

We welcome the overall direction of the Plan's nature policies and are encouraged by the strong emphasis on biodiversity conservation, nature recovery, biodiversity net gain, ecological connectivity and the protection of internationally important sites and species. Collectively, these policies provide a robust framework for securing positive outcomes for nature. However, we consider there are two important policy areas which are missing.

Firstly, whilst the policies establish a framework for protecting biodiversity and assessing impacts, they do not specify the standards expected for ecological survey or assessment. The Plan should require ecological surveys, assessments and mitigation strategies to be undertaken by suitably qualified and experienced ecologists and prepared in accordance with current recognised professional standards and guidance, including those published by the Chartered Institute of Ecology and Environmental Management (CIEEM). As the professional body for ecologists and environmental managers, CIEEM provides industry-standard guidance that helps ensure ecological work is robust, consistent and undertaken in accordance with best practice. Including such a requirement would provide greater certainty for applicants and decision-makers and help ensure that planning decisions are informed by a reliable and proportionate ecological evidence base. In our experience, the quality of ecological information submitted in support of planning

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applications can vary considerably, and inadequate surveys or assessments can lead to impacts on biodiversity being overlooked or underestimated. A clear policy requirement for adherence to recognised professional standards would therefore help secure better outcomes for nature and more consistent decision-making across the planning system.

Secondly, whilst the policies provide strong protection for statutory designated sites, they largely overlook a number of important non-statutory sites and habitats, including Priority Habitats, County Wildlife Sites, Other Sites of Wildlife Importance, species-rich grasslands and traditional orchards. These assets are often of considerable biodiversity value and form an essential component of the local Nature Recovery Network. The Plan should explicitly recognise their protection, enhancement and restoration to ensure that the full range of Torbay's ecological resource is effectively safeguarded and supported.

Continuity

Whilst we recognise and welcome the inclusion of reference to the environment in many sections within the draft Local Plan, we also urge the need for environment, nature, nature recovery and climate to be embedded consistently throughout the plan and given the weight and level of resource needed to deliver this. Throughout the document it is apparent that policies have been written without specialist ecological input, which is often to the detriment of the environment. Policies are also inconsistent in their references to nature. It is essential that the County Ecologist, or person with similar knowledge and skills, comment on the entirety of this document to ensure that the importance of nature is woven into each and every section. This is required in order to ensure that the vision for *'To conserve and enhance the richness and diversity of the built, historic, marine and natural environments,'* becomes a reality. A 'nature everywhere' approach should be reflected within every policy.

Compliance

The Plan is not currently sound because elements of its natural-environment policies are not sufficiently clear, consistent or effective and do not fully reflect current legislation, national policy and guidance. The National Planning Policy Framework (NPPF) provides a clear statement that planning policies and decisions should **'contribute to and enhance the natural and local environment'**. In this document, we have identified the principal areas of concern and propose replacement wording intended to address these shortcomings and make the Plan sound, legally compliant and effective.

Native species

The Local Plan currently contains limited reference to the use of native species. This does not represent a coherent or adequate approach to landscape planting, biodiversity recovery or climate resilience. We would strongly welcome a clear policy commitment within the Local Plan to require the use of native and locally appropriate species for all landscape planting associated with new development. Wherever possible, these species should be locally sourced from Devon and preferably Torbay, to ensure genetic suitability, improved establishment rates and long-term ecological resilience. To enable this, the Plan should also support the development of local tree nurseries and seed hubs. The Devon Local Nature Recovery Network Habitat Suitability Mapping provides a high level of spatial and ecological detail and offers a robust evidence base for the creation of appropriate, site-specific species mixes.

Embedding these commitments within the Local Plan would ensure that landscape planting contributes effectively to biodiversity recovery, climate adaptation and the delivery of a genuinely sustainable and resilient development strategy.

Chapter 1

From the opening pages, the Plan presents an incomplete description of its environmental purpose. In Figure 1, *'What is a Local Plan?'*, the reference to *'environmental protection'* should

be amended to '*environmental protection and enhancement*'. The NPPF requires planning policies and decisions not only to protect the natural environment, but also to contribute to and enhance it. This distinction is important and should be established from the outset, then applied consistently throughout the Plan. The same amendment is required in Figure 2, where reference to '*environmental protection*' should be replaced with '*protection and enhancement*'.

Figure 1 should also explicitly recognise climate change mitigation and adaptation as a central purpose of the Local Plan. Given the scale and urgency of the climate and ecological emergencies, climate change should be clearly identified in this introductory description rather than addressed only in later chapters.

The statement '*It seeks to minimise damage to the natural environment*' is inadequate and does not reflect the positive role that the planning system must play in nature recovery. Merely minimising damage sets an unacceptably low ambition and fails to recognise the need to protect, restore and enhance the natural environment and deliver measurable gains for biodiversity. This sentence should be replaced with '*It seeks to protect, restore and enhance the natural environment*'.

Figure 3 – '*Protect Torbay's Natural...*' should be replaced with '*Protect and enhance Torbay's Natural...*'.

Strategic Priority 4: Protect Torbay's Natural, Cultural and Built Heritage

'To safeguard existing and maximise opportunities for biodiversity enhancement in and around developments to deliver a net gain for biodiversity' should be replaced with '*To protect existing biodiversity, avoid and minimise ecological harm, strengthen ecological networks and maximise opportunities for habitat creation and enhancement, delivering measurable biodiversity net gain and supporting nature recovery*'.

'To provide a network of recreation and Green Infrastructure including Suitable Alternative Natural Greenspace (SANG) to relieve recreational and other pressure on the South Hams Special Area of Conservation and other critical environmental assets' should be replaced with '*To protect, enhance and expand a connected network of multifunctional green and blue infrastructure, including Suitable Alternative Natural Greenspace (SANG), to meet community needs and avoid or mitigate recreational and other pressures on the South Hams Special Area of Conservation and other sensitive environmental assets*'.

'The safeguard the Best and Most Versatile Agricultural Land to assist with food security in a changing environment' should be replaced with '*To safeguard the Best and Most Versatile agricultural land, recognising its importance for food security and resilience to climate change*'.

Chapter 2

Figure 4 – again '*protection*' alone is referred to. This needs to be rephrased to state '*protection and enhancement*'.

Strategic Policy SS1

'All development should contribute to safeguarding the area's natural, historic and built environment' should be replaced with '*All development should contribute to conserving, restoring and enhancing the area's natural, historic and built environment, delivering measurable improvements for biodiversity wherever possible*'.

'Proposals for housing on previously developed land within the settlement boundary will be supported unless they cause substantial harm to the economy, environment or amenity' should be replaced with '*Proposals for housing on previously developed land within the settlement boundary will be supported unless they would result in unacceptable harm to the economy, environment or*

amenity. Development should contribute to the protection, restoration and enhancement of the natural environment and support opportunities for biodiversity gain’.

‘The council will apply the Presumption in Favour of Sustainable Development to proposals for brownfield regeneration within settlement boundaries that meet these criteria, even where the Local Plan’s housing target is exceeded’. The strong policy support for brownfield redevelopment is concerning because previously developed land can support habitats and species of high ecological value. Brownfield sites are not necessarily of low biodiversity importance and can provide important refuges for wildlife, particularly in urban areas. The policy should therefore avoid creating a blanket presumption in favour of redevelopment and should instead make clear that proposals must fully assess ecological value and deliver the protection, restoration and enhancement of biodiversity. This text should be replaced with *‘Proposals for the regeneration of previously developed land within settlement boundaries will be supported where they constitute sustainable development, deliver high-quality places, and protect, restore and enhance the natural environment, including securing biodiversity gains where appropriate’.*

‘Major development proposals outside the built-up area, Future Growth Areas and allocated sites will only be supported where all of the following are met: The proposal is subject to an environmental assessment that shows that:

- i) it is acceptable in terms of landscape, biodiversity and infrastructure impacts, including consideration of the cumulative impact of development and;*
- ii) It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation); and*
- iii) Is demonstrated to meet an economic, social or environmental need that significantly and demonstrably outweigh the impacts of the proposal.’*

The term ‘acceptable’ is weak and subjective in this context and does not reflect the mitigation hierarchy or the NPPF’s emphasis on environmental enhancement. Criterion iii) is insufficiently clear regarding how the need for a proposal would be assessed and what impacts are being weighed against that need. As drafted, it could allow significant environmental harm to be justified by a broadly defined economic, social or environmental benefit, potentially undermining the Plan’s wider environmental objectives. Policy intended to govern major development in the countryside must also include reference to enhancement. Text should be reworded to:

‘Major development proposals outside built-up areas, Future Growth Areas and allocated sites will only be supported where all of the following criteria are met:

- i) The proposal is supported by sufficient environmental information, including any assessment required by legislation, demonstrating that adverse effects on landscape character, biodiversity, green infrastructure and community infrastructure have been avoided, minimised and appropriately mitigated, taking account of cumulative effects;*
- ii) It can be demonstrated, through Habitats Regulations Assessment where required, that the proposal will not result in a likely significant effect, alone or in combination with other plans and projects, on a Habitats Site;*
- iii) The proposal addresses an identified economic, social or environmental need that cannot reasonably be met within a settlement boundary, Future Growth Area or allocated site, and the benefits of the proposal demonstrably outweigh any residual adverse effects; and*
- iv) The proposal contributes to the protection, restoration and enhancement of the natural environment, including the recovery of nature and biodiversity’.*

Strategic Policy SDT1:

‘Priority species such as Cirl Buntings and Greater Horseshoe Bats will be safeguarded’ should be replaced with ‘Priority species, including Cirl Buntings and Greater Horseshoe Bats, and the habitats upon which they depend, will be protected, restored and enhanced to support their long-term conservation’.

All development will be required to adhere to the drainage hierarchy and minimise or reduce surface water draining into combined sewers, in order to safeguard the Marine Special Area of Conservation' The discharge of surface water to combined sewer systems should not be supported, as it increases pressure on already constrained infrastructure and contributes to the risk of pollution from combined sewer overflows. Development should instead be required to follow the drainage hierarchy and incorporate sustainable drainage measures from the outset, providing a more effective, resilient and environmentally sustainable long-term solution. The text above should be replaced with *'All development will be required to adhere to the drainage hierarchy. The discharge of surface water to combined sewer systems will not be supported unless it can be demonstrated that no reasonable alternative exists. Development must incorporate sustainable drainage measures that protect water quality and contribute to the protection of the Marine Special Area of Conservation'*.

Strategic Policy SDT2

Comments as above in relation to the use of combined sewer systems are also relevant here and text should be updated in line with the above comments.

The policy currently lacks any reference to urban greening or green infrastructure. Given the important role that green infrastructure plays in supporting biodiversity, climate adaptation, sustainable drainage, air quality, health and wellbeing, the policy should include a requirement for development to contribute positively to the greening of Torquay Town Centre through the provision of trees, green infrastructure and biodiversity enhancements. The following text should be included: *'Development should contribute to the greening of the town centre through the incorporation of high-quality green infrastructure, including street trees, green roofs, green walls, sustainable drainage features and the creation of biodiverse public spaces'*.

Strategic Policy SDT3

'Particular attention should be given to the protection of Cirl Bunting habitat' should be replaced with *'Particular attention shall be given to the protection, restoration and enhancement of habitats supporting Cirl Buntings and other priority species'*.

Reference to cirl buntings and/or greater horseshoe bats has frequently been included in a number of policies. Whilst this is welcome, it is not clear why some policies include reference to both species while others are limited to cirl buntings. It is common for these species to utilise similar habitats and therefore it is considered likely that for the majority of policies, reference to both species is required.

Strategic Policy SDP1

'The role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets and providing resilience to climate change' should be replaced with *'The role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting, restoring and enhancing the area's environmental assets and strengthening its resilience to climate change'*.

'Priority species such as Greater Horseshoe Bats and Cirl Buntings and their habitats will be safeguarded, and any impacts mitigated' should be replaced with *'Priority species, including Greater Horseshoe Bats and Cirl Buntings, and their supporting habitats will be safeguarded, restored and enhanced, with any adverse impacts avoided, minimised and appropriately mitigated'*.

Strategic Policy SDP2

Strategic Policy SDB2

Comments as per SDT2. The policy currently lacks any reference to urban greening or green infrastructure. Text should be updated as above.

Strategic Policy SDP4

Strategic Policy SDP5

'Particular attention must also be given to Cirl Bunting habitat' should be replaced with *'Particular attention shall be given to the protection, restoration and enhancement of habitats supporting Cirl Buntings and other priority species'*.

Policy SDP6

'safeguard or enhance' should be replaced with *'safeguard and enhance'*.

Brixham

Figure 8. The phrase *'constrained by protected landscapes and conservation areas'* portrays environmental and heritage assets as barriers to development rather than valuable features that contribute to the area's character, attractiveness and sustainability. The wording should be revised to recognise these assets as opportunities and strengths that help shape high-quality places. *'Shaped by nationally important landscapes, biodiversity and heritage assets'* would be more appropriate text.

Strategic Policy SDB3

'Should existing uses, including holiday parks in the SDNL and Core GHB Sustenance Zone cease to operate, there will be an expectation that they should revert to open countryside'. DWT welcomes this robust policy approach,

Figure 9 - again *'safeguard'* alone does not comply with NPPF. This needs to be rephrased to include reference to *'enhancement'*.

Strategic Policy SDBCG1

'Safeguard' continues to be used in isolation throughout this policy. This needs to be rephrased to include reference to *'enhancement'*.

Strategic Policy SDBCG2

'Particular attention should also be given to the protection and enhancement of Cirl Bunting habitat'. Whilst this is an improvement on protection alone, the text should be replaced with *'Particular attention shall be given to the protection, restoration and enhancement of habitats supporting Cirl Buntings and other priority species'*.

Policy SDBCG3

We welcome the inclusion of the additional ecological requirements within this policy *'These should achieve no increase in lighting above 0.5 lux in bat flyways'* and *'Existing green infrastructure assets, trees, hedgerows, and connectivity between individual assets should be safeguarded or enhanced'* which will result in a strengthening of the biodiversity value of the area covered by this policy.

This information should also be included in a number of the policies highlighted above, which also contain areas which support important levels of bat activity.

Chapter 3

Policy HS

The policy states that housing on previously developed land within the settlement boundary will be approved unless specified constraints provide a strong reason for refusal, or adverse effects significantly and demonstrably outweigh the benefits. The specified ecological constraints are principally protected species, Habitats sites, irreplaceable habitats and SSSIs. This does not expressly cover:

- County Wildlife Sites and other Local Wildlife Sites;

- priority habitats and species;
- ecologically important brownfield habitat;
- ecological connectivity;
- functionally linked land;
- the mitigation hierarchy; or
- significant cumulative biodiversity harm.

Previously developed land can support open-mosaic habitat, invertebrate assemblages, reptiles, nesting birds and other important ecological features. Brownfield status is not itself evidence of low ecological value.

Suggested replacement text:

'Proposals for housing on previously developed land within the settlement boundary will be supported in principle where they accord with the development plan.'

Previously developed status will not reduce the level of protection afforded to designated sites, protected or priority species, priority habitats, irreplaceable habitats, functionally linked land or ecological networks.

Development must be informed by proportionate and up-to-date ecological evidence and must apply the mitigation hierarchy by:

1. *avoiding significant ecological harm through site selection and design;*
2. *minimising unavoidable impacts;*
3. *securing effective mitigation; and*
4. *providing compensation only as a last resort.*

Development will not be permitted where significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated, or where the proposal would adversely affect the integrity of a Habitats site.'

Strategic Policy H1a

The policy currently lacks any reference to urban greening or green infrastructure. Given the important role that green infrastructure plays in supporting biodiversity, climate adaptation, sustainable drainage, air quality, health and wellbeing, the policy should include a requirement for development to contribute positively to the greening of town centres through the provision of trees, green infrastructure and biodiversity enhancements. The following text should be included: *'Development should contribute to the greening of town centres through the incorporation of high-quality green infrastructure, including street trees, green roofs, green walls, sustainable drainage features and the creation of biodiverse public spaces'.*

Policy H1c

'Other urban brownfield sites will be supported subject to other Local Plan considerations'. As detailed above, the strong policy support for brownfield redevelopment is concerning because previously developed land can support habitats and species of high ecological value. Brownfield sites are not necessarily of low biodiversity importance and can provide important refuges for wildlife, particularly in urban areas. The policy should therefore avoid creating a blanket presumption in favour of redevelopment and should instead make clear that proposals must fully assess ecological value and deliver the protection, restoration and enhancement of biodiversity. This text should be replaced with *'Proposals for the regeneration of previously developed land within settlement boundaries will be supported where they constitute sustainable development, and protect, restore and enhance the natural environment, including securing biodiversity gains where appropriate'.*

Chapter 4

Economy and Employment Land

A number of policies relate to the development of employment land, however natural context is missing from the policies. Reference should be made to the inclusion of space for nature within employment areas in order to ensure that people are able to work in areas where they are connected with nature.

Strategic Policy TO3

'Should existing uses, including holiday parks in the SDNL and Core GHB Sustenance Zone cease to operate, there will be an expectation that they should revert to open countryside' (Strategic Policy SDB3). Reference to this policy must be included within Strategic Policy TO3 as it potentially undermines SDB3.

Policy TO5

As above, reference to Strategic Policy SDB3 is required.

'The development does not have an adverse impact on the landscape, conservation, nature conservation' and *'Where proposals fall within Greater Horseshoe Bat consultation zones, they must protect foraging habitat, commuting routes and dark corridors'*. Reference to enhancement is missing from these pieces of text.

Policy TC2

The policy currently lacks specific reference to urban greening or green infrastructure. Given the important role that green infrastructure plays in supporting biodiversity, climate adaptation, sustainable drainage, air quality, health and wellbeing, the policy should include a requirement for development to contribute positively to the greening of town centres through the provision of trees, green infrastructure and biodiversity enhancements. The following text should be included: *'Development should contribute to the greening of town centres through the incorporation of high-quality green infrastructure, including street trees, green roofs, green walls, sustainable drainage features and the creation of biodiverse public spaces'*.

Chapter 5

Policy SC6

'Do not have an unacceptable impact on landscape sensitivity, biodiversity' This needs to be rephrased to include reference to *'enhancement'*.

Chapter 7

Policy IN2

'Development does not have an unacceptable impact, including cumulative impact, on residential amenity, landscape character or wildlife'. This needs to be rephrased to include reference to *'enhancement'*.

Chapter 8

Strategic Policy CERS

This policy places emphasis on reducing or mitigating climate impacts, but opportunities should also be taken to secure positive climate outcomes. Policies should encourage development to contribute actively to climate change mitigation and adaptation through measures such as carbon sequestration, habitat creation, urban greening, sustainable drainage and climate-resilient design, rather than merely minimising adverse effects.

Strategic Policy ER2

'Proposals must seek to reduce surface water discharge to the combined sewer network and will be supported where this is achieved.'

Development must not discharge surface water in the combined sewer network.'

We welcome the clear statement that development must not discharge surface water in the combined sewer network, however this is directly contradicted by the preceding text. Text should be amended to clarify the position.

Chapter 9

Strategic Policy L1

'Outside settlement boundaries, the following forms of development may be permitted, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment'. This needs to be rephrased to include reference to *'enhancement'*.

Policy L2

'Proposals within the setting of a National Landscape must not harm the setting and should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'. This needs to be rephrased to include reference to *'enhancement'*.

Policy L4

The policy should be strengthened to align with the NPPF by placing greater emphasis on the conservation and enhancement of valued landscapes rather than solely avoiding loss of landscape characteristics. The definition of valued landscapes should be clearer and based on identifiable attributes that contribute to their value, while areas afforded protection should be explicitly identified rather than potentially being considered valued landscapes. This would improve clarity, effectiveness and consistency with national policy.

Specifically, *'avoid loss'* is not in line with the NPPF which seeks to protect and enhance valued landscapes. A policy that only seeks to avoid loss risks missing opportunities for enhancement and could permit gradual erosion of landscape quality.

The policy should be rewritten to provide clarity and strength to ensure a robust policy.

Policy L6

'Development proposals that protect or enhance Local Green Spaces and that comply with other relevant policies will be permitted'. This statement does not comply with the NPPF and must state *'protect and enhance'*.

Strategic Policy THS

'Development that supports the planting of new trees or areas of woodland, especially in appropriate Devon Local Nature Recovery Areas, or which would include public access woodland schemes, will be encouraged where they conserve or enhance biodiversity'. This statement does not comply with the NPPF and must state *'protect and enhance'*. The required use of native species of local provenance should also be added to this policy.

Trees elsewhere

'Commensurate with the loss' is weak and does not meet the requirements of the NPPF. Replacement must deliver overall enhancement.

This policy does not apply the mitigation hierarchy. The policy should be reworded to demonstrate avoidance and minimisation before loss is permitted.

Policy TH2

Hedgerow loss should normally be replaced on at least a metre-for-metre basis, with a preference for achieving a net gain in connectivity and ecological value'. To demonstrate compliance with the NPPF, 'a preference for' must be replaced with 'a requirement for'.

Whilst the proposed compensation approach represents a positive attempt to secure replacement planting, it risks placing undue emphasis on tree numbers rather than ecological function. Mature and veteran trees provide a range of biodiversity, landscape, carbon-storage and ecosystem-service benefits that cannot be replaced for many decades. A compensation metric based solely on trunk girth does not adequately capture habitat quality, ecological connectivity, canopy volume, species value, deadwood resource, bat-roost potential or the irreplaceable characteristics associated with older trees. The policy should therefore make clear that retention of existing trees remains the priority and that compensation planting is not, in itself, evidence that ecological losses have been adequately addressed.

Loss of trees, woodland, traditional orchards, Devon hedgebanks and hedgerows must first be avoided through site selection, layout and design. Where loss is demonstrated to be unavoidable and acceptable under other policies, compensation must be based on the ecological, arboricultural, landscape, historic and ecosystem-service value of the feature lost. Numerical replacement ratios are a minimum starting point and do not, by themselves, demonstrate adequate compensation.

Compensation proposals must demonstrate:

- no net reduction in long-term canopy cover;
- replacement of the structural and ecological functions lost;
- maintenance or strengthening of habitat connectivity;
- use of locally appropriate species and genetic provenance;
- adequate soil volume and rooting environment;
- long-term protection, management and funding;
- replacement of failed planting; and
- monitoring against measurable establishment and condition targets.

Ancient woodland, ancient and veteran trees and other irreplaceable habitats are subject to the separate irreplaceable-habitat test and cannot be compensated through standard tree-replacement ratios.

Strategic Policy NCS1

We welcome the inclusion of this strong policy. However, we recommend a number of minor amendments to ensure that its intended outcomes are delivered effectively in practice.

Point 'I' does not correctly apply the mitigation hierarchy. Reference to minimise is missing and must be included to fully reflect the mitigation hierarchy.

The text *'including supporting habitats outside of the designation which ensures the favourable conservation status of the site'* could better reflect the legal position surrounding functionally linked land, for example *'including functionally linked and supporting habitat beyond designated site boundaries where these are necessary to maintain or restore the site's conservation objectives and ecological integrity'*.

'Particular attention must be paid to Greater Horseshoe Bat flight paths, and Cirl Bunting' should be replaced with *'Particular attention must be paid to Greater Horseshoe Bats, Cirl Buntings and other species of principal importance, including the protection, enhancement and restoration of habitats, commuting routes and ecological connectivity'*.

The use of the phrase *'Provide a measurable and proportionate net gain in biodiversity'* may unintentionally suggest less than mandatory BNG requirements and should be replaced with *'Deliver a measurable biodiversity net gain in accordance with Policy NC2'*.

Given the title of the policy, the opening statement *'All development for the purposes of conservation and enhancement of the natural assets within the Bay will be supported'* should not be provided in isolation. An additional sentence is required, for example *'Development that conserves, restores and enhances biodiversity, geodiversity and ecological connectivity, and contributes to nature recovery, will be supported'*.

Policy NC1

'Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be agreed' infers that compensation could legitimise habitat loss. This text needs to be rephrased to make it clear that compensation does not override the protection afforded to designated sites.

The policy protects *'internationally and nationally designated sites'*, which does not cover functionally linked habitat, supporting habitat, ecological connectivity bat sustenance zones or commuting routes. Additional text is required, for example *'Protection extends to functionally linked land, supporting habitat and ecological networks necessary to maintain the conservation objectives and ecological integrity of designated sites'*.

Reference to irreplaceable habitats is required within this policy, for example *'Development resulting in the loss or deterioration of irreplaceable habitat will not be permitted except in wholly exceptional circumstances'*.

Policy NC2

Given Torbay's location within the South Hams SAC consultation zone and the importance of Greater Horseshoe Bat sustenance zones and commuting routes, reference to this species is required, for example *'Greater Horseshoe Bats and the maintenance of supporting habitats, dark corridors, flight paths and ecological connectivity associated with the South Hams SAC'*.

'Where appropriate, a monitoring scheme must be agreed'. This text is weak. More robust text is required, for example *'Where mitigation, compensation or significant enhancement measures are proposed, a proportionate monitoring and management scheme must be secured'*.

Policy NC3

'On all development sites, a measurable 10% Biodiversity Net Gain (BNG) must be achieved, where development is exempt as set out within The Biodiversity Gain Requirements (Exemptions) Regulations 2024' should be replaced with *'All development subject to the statutory biodiversity gain condition must deliver a measurable minimum 10% Biodiversity Net Gain'*.

'The 10% BNG shall be delivered on-site wherever possible' should be strengthened in line with government policy, for example *'The 10% BNG shall be delivered primarily on-site unless it can be clearly demonstrated that an alternative approach would deliver greater biodiversity benefits'*.

Additional text in relation to priorities for habitat creation should be provided, for example *'Priority should be given to delivering biodiversity net gain in locations that improve ecological connectivity, strengthen the Nature Recovery Network and support the conservation objectives of protected sites and their supporting habitats'*.

Policy NC4

'Light spillage or glare will be minimised to an acceptable level'. The term *'acceptable'* is subjective. The text should be rephrased to state *'Light spill, glare and sky glow will be avoided wherever possible and otherwise minimised through sensitive design, siting and specification'*.

Strategic Policy GIS

The policy is weakened by the use of the word 'should' e.g. *'Development should deliver child-friendly GBI'* and *'Development should have regard, where appropriate, to relevant national guidance'*. This word should be removed from the policy and replaced with 'must' or 'will be required to'.

'Long-term stewardship, management, and funding for the upkeep of new and existing GBI must be secured, with Torbay Council seeking adoption of GBI provided through development' is missing reference to monitoring. This should be replaced with *'Long-term stewardship, management, monitoring and funding arrangements must be secured for the lifetime of the development and be proportionate to the scale and function of the Green and Blue Infrastructure provided'*.

Reference to dark corridors is missing from this policy. Additional text should be included, for example *'GBI must protect, create and maintain dark corridors and connected habitat networks, particularly where required to support Greater Horseshoe Bats and other light-sensitive species.'*

Chapter 11

Policy DE1

The 'Quality of Public Space' section is missing reference to nature. Additional text should be included: *'Creation of nature-rich public open spaces that benefit both wildlife and local communities'*.

Chapter 12

Strategic Policy MS

"delivers high-quality restoration and after-use, conserving and enhancing landscape character, historic assets, and geodiversity, including the significance of the UNESCO Geopark;" is missing reference to nature. Reference to biodiversity should be included.

Yours sincerely,

Devon Wildlife Trust

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