

Date: 05 October 2026
Our ref: 557140
Your ref: Torbay Local Plan Regulation 19 Consultation



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Future.Planning@torbay.gov.uk

BY EMAIL ONLY

Dear Sir / Madam

Planning consultation: Local Plan - Regulation 19 Publication Version Consultation
Location: Torbay, Devon

Thank you for your consultation on the above dated 25 August 2026 which was received by Natural England on the same date. We appreciate the extension of time in submitting our final response, following the discussion of matters included in this letter.

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. Please see our comments below:

South Hams SAC Bats: Policy NCS2, Policy NC1, Light Pollution Policy NC4, Policy SDBCG3 and Habitats Regulations Assessment

Natural England welcomes the strengthened approach to protecting the **South Hams SAC** and Greater Horseshoe Bat population. We support the emphasis on avoidance of impacts, protection of habitat connectivity, dark corridors, commuting routes, pinch points and the additional safeguards proposed within the Core Sustainance Zone. These measures are consistent with the evidence base and the objectives of the South Hams SAC Habitats Regulations Assessment Guidance.

Natural England notes the conclusions of the Habitats Regulations Assessment, which states that adverse effects on the integrity of the South Hams SAC can be ruled out subject to the mitigation and policy framework identified within the Local Plan. We welcome the strategic and landscape-scale approach to maintaining and enhancing Greater Horseshoe Bat habitat and connectivity.

We also support the inclusion of strategic habitat enhancement measures and financial contribution mechanisms where justified through Appropriate Assessment, recognising the role these measures may play in addressing in-combination effects and supporting long-term habitat resilience.

The Council could clarify the intended meaning of the phrase "replacement features must be secured in advance" - whether this relates to legal or practical delivery of mitigation measures prior to impacts occurring. This will provide important clarification for future planning applications but is not a soundness issue.

The Plan introduces the concept of Core Sustainance Zones but does not make clear that this approach is in addition to Sustainance Zones and Landscape Connectivity Zones from the 2019 South Hams SAC Guidance. It would be helpful for consultants and planners to easily recognise that the CSZ is a new additional approach and be signposted to the evidence.

Policy NC4 Light Pollution

We welcome the detail contained in this policy. However, paragraph v appears to be slightly mis-written, in terms of what the first 'prior to' is referring to. We would highlight an opportunity to improve the policy by requiring that the details referred to in the paragraph may also be required at outline stage. This would likely be where development is proposed within sustenance zones, near pinch points or genuinely dark developments (HRA page 42). This would bring forward discussions around bats earlier in the planning process. We recognise however that this is not a soundness issue, rather an opportunity to highlight the level of detail which may be required at outline stage in order to meet HRA certainty requirements.

Policy SDBCG3 refers to 0.5 lux as a maximum light level in bat flyways. We note that Bat Conservation Trust Guidance (GN08, Bats and Artificial Lighting) refers to lower lighting levels (0.2 lux on the horizontal plane and 0.4 lux on the vertical plane) where "complete darkness" on a feature or buffer is required. Our advice is that features within the Pinch Point areas (including proposed Additional Pinch Point areas identified by the Evidence Study 2026) are features for which these lower lux levels should be required. In addition, we advise that, from a standard 2 storey house, a buffer of at least 30metres can be needed in order to reduce light spill to 0.5 lux.

Lyme Bay and Torbay SAC Water & Drainage: Policy NCS2, ER2, ER3, ER4 and W5 and HRA

Natural England welcomes the wastewater, drainage and Lyme Bay and Torbay Marine SAC safeguards incorporated within Policies NCS2, ER2, ER3, ER4 and W5.

Habitats Regulations Assessment: Natural England advises that the potential effects of Combined Sewer Overflows (CSOs) on the Lyme Bay and Torbay SAC have been correctly screened in as a Likely Significant Effect (LSE) under the Habitats Regulations because there is a potential pathway for impact. However, the Appropriate Assessment (AA) should note that the updated SAC condition assessment completed in March 2026, found no evidence that CSO-related pressures are currently adversely affecting the notified features of the SAC. Although the SAC advice on operations identifies suspended solids as a medium to high risk pressure, relevant sediment targets were met within the condition assessment. Other failed indicators related to contaminants such as mercury and Polybrominated diphenyl ethers (PBDE) are not considered directly relevant to CSO impacts on the SAC's designated features.

The additional information that your Council provided to us has been extremely helpful and identifies that Local Plan development would increase CSO discharges by around 1% up to 2040. This information together with the updated condition assessment has informed our advice that potential effects from increased CSOs as a result of additional development could be ruled out as having an adverse effect on integrity (AEI) on the SAC. In addition, forthcoming Drainage and Wastewater Management Plans (DWMPs), being developed under the Environment Act 2021, are expected to deliver improvements to CSO performance, with a priority to those areas in close proximity to designated sites. It is understood that Ilsham Valley Combined Sewer is one of the sites being considered within this process.

While available evidence supports the view that impacts from CSO spills are not likely to result in an adverse effect on the integrity of Lyme Bay and Torbay SAC, we strongly welcome measures such as water efficiency, sustainable drainage, and nature-based solutions to reduce flood risk and relieve pressure on the sewerage network. However, these are considered to be wider policy initiatives rather than mitigation measures required to address a Habitats Regulations concern.

Natural England supports the measures noted above, as these will assist Torbay Council in discharging their responsibilities under s40 of the Natural Environment and Rural Communities Act 2006, by putting measures in place to protect the designated features of Torbay Marine Conservation Zone (MCZ), including seagrass beds, through easing development pressure.

Strategic Policy GIS: Green and Blue Infrastructure

Natural England supports the improved drafting of Strategic Policy GIS: Green and Blue Infrastructure policy. It is now clearer what is required from developers and the inclusion of a reference to the Natural England GI Framework will be a useful touchstone for enabling discussions between planners and developers.

Natural England notes the change in terminology from the Regulation 18 draft, which referred specifically to a SANG, to the broader strategic recreation mitigation approach set out in the Regulation 19 Plan. The revised wording provides greater flexibility in how mitigation may be delivered and does not appear to reduce the overall objective of avoiding adverse recreational impacts on the South Hams SAC.

If you have any queries relating to the advice in this letter, please contact me or my colleague Moira Manners on [REDACTED] or [REDACTED]

Yours sincerely

Neil Butler
Higher Officer
Devon Cornwall and Isles of Scilly Area Team