

SOUTH EAST DEVON JOINT HABITATS MITIGATION EXECUTIVE COMMITTEE

Date: Wednesday 29 June 2016

Time: 6.00 pm

Venue: Knowle, Sidmouth

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Hannah Whitfield
hwhitfield@eastdevon.gov.uk.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Clemens, Moulding and Sutton

The Members of the Joint Scrutiny Committee may nominate a named substitute to attend a meeting of the Joint Scrutiny Committee provided that at least 24 hours notice has been given to the Proper officer of the Relevant Council together with the name of the substitute

Agenda

Part I: Items suggested for discussion with the press and public present

- 1 **Public Speaking**
- 2 **Apologies**
- 3 **Declarations of Interest**
- 4 **Matters of urgency**
- 5 **Confidential/exempt items – there are two items which officers recommend should be dealt with in this way.**
- 6 **Arrangements for Governance, operation and stakeholder interaction**

Habitat Regulations Delivery Officer

The report sets out the Governance arrangements and method of operation for the Habitat Regulations Executive Committee (HREC) as

(Pages 5 -
36)

agreed by East Devon District Council, Exeter City Council and Teignbridge District Council.

7 **Financial report**

Habitat Regulations Delivery Officer

(Pages 37
- 50)

The report seeks to update members of the Executive Committee on the overall financial position regarding mitigation payments towards projects identified in the South East Devon European Site Mitigation Strategy (SEDESMS).

8 **Annual business plan and Five year delivery programme**

Habitat Regulations Delivery Officer

(Pages 51
- 90)

The report sets out the principles for the on-site projects which have been recommended as a priority by the Habitat Regulations Delivery Officer, in conjunction with the Officer Working Group. These projects are contained within Annual Business Plan (appendix 1) and the 5Yr Delivery Programme (appendix 2) which the Executive Committee is asked to approve.

9 **Dawlish Warren Visitor Centre**

Habitat Regulations Delivery Officer

(Pages 91
- 98)

The report details an opportunity to deliver a new visitor centre at Dawlish Warren.

10 **Joint Communications Strategy**

Habitat Regulations Delivery Officer

(Pages 99
- 108)

The reports sets out the Habitat Regulations Mitigation Communications Protocol, which seeks to ensure that the work of the Committee is communicated positively and enable the project to be promoted in a consistent and coordinated manner, internally and externally.

11 **Forward Plan and programme of meetings**

Strategic Lead – Legal, Democratic Services and Licensing and Monitoring Officer

12 **The Chairman to move the following:**

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

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

- 13 **Suitable Alternative Natural Green Space (SANGS) – Introduction and Options under investigation** (Pages 109 - 124)
- 14 **Suitable Alternative Natural Green Space (SANGS) – Opportunity**
- Reasons for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person (Pages 125 - 134)

A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.

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SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

*Arrangements for Governance, operation and
stakeholder interaction*

Neil Harris – Habitat Regulations Delivery Officer
June 2016

Legal comment/advice:

The three partner authorities of East Devon District Council, Teignbridge District Council and Exeter City Council have all approved the entering into this joint committee established under the Local Government Act 1972 (Cabinet / Executive Committee papers of 4th November 2015, 8 December 2015 and 9th February 2016 respectively refer). There have been some amendments to the Terms of Reference / Procedure Rules (at Appendix 1) which have been approved in accordance with the delegated authority given by the partner authorities respective Executives. The HREC must operate in accordance with the approved Terms of Reference and Procedure Rules.

The HREC is a high level committee responsible for overseeing the habitat mitigation delivery required by the South East Devon European Site Mitigation Strategy adopted by all three authorities to ensure development in the Local Plan can occur. The Committee is being asked to delegate the day to day delivery of the mitigation to the Habitat Regulations Delivery Officer. This is entirely permissible but it should be noted that the authority sought to be given to the officer is limited to the extent that what is done must be in accordance with the approved business plans (being the 5 year Delivery Programme and Annual Business Plan which must be, and can only be, approved by the HREC) and subject to a £50,000 limit per item. In order to ensure effective delivery this seems a sensible approach. The officer must report back to the HREC on the delivery and spend against the business plans. It should be noted that the authority is to the Habitat Regulations Delivery Officer and not the Officer Working Group.

It is necessary for there to be a set of procurement rules to ensure legally robust procurement exercises. It seems sensible that East Devon's are used (given the legal / financial support being given) and that these will be adapted to suit in consultation with those senior officers giving the support.

Otherwise legal implications are appropriately addressed within the report.

Finance comment/advice:

There does not appear to be any direct financial implication within the recommendations of this report.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the HREC:

1. **Endorses the South East Devon European Site Mitigation Strategy, but notes:-**
 - Further work is required to confirm overall SANGS requirements;
 - The need for future re-evaluation of the (Table 26) costs therein, in particular SANGS delivery priorities and associated costs; and,
 - The need for future re-evaluation of approaches to securing funds for SANGS delivery through CIL and Section 106, taking account of any forthcoming amendments to the CIL regulations.
2. **Notes the Terms of Reference and Rules of Procedure (Appendix 1) which govern the running of the HREC and which have been agreed by the three authorities and that the Committee has no authority in respect of Compulsory Purchase powers.**
3. **Notes the intended working relationships between all interested parties.**
4. **Agree to using East Devon District Council's Contract Standing Orders and financial rules (adapted to suit as appropriate by East Devon District Council's Strategic Lead for Legal, Licensing and Democratic Services and S.151 Officer) for all procurement until such time as the HREC agrees its own procurement rules.**
5. **Delegates all necessary powers to the Delivery Officer to enable the delivery and implementation of approved mitigation projects (including the hiring of staff, purchasing vehicles and equipment, awarding monitoring and surveying contracts) with any expenditure being identified in the Annual Business Plan or 5 yr delivery programme and limited to a maximum sum of £50,000 per item. This delegated authority shall not include decisions relating to:**
 - a) **Agreeing the Annual Business Plan and 5 yr delivery programme.**
 - b) **Any expenditure not contained within the approved Business Plans.**

Equalities impact: Low

Risk: High

If the Strategy is not endorsed and the Delivery Officer is not delegated the necessary powers, there is a high risk that the delivery of the South East Devon European Site Mitigation Strategy would be significantly compromised or delayed. This would put the delivery of the partner Authorities' Local Plans at risk due to the legal duties under the Habitat Regulations.

1. Summary

1.1 This paper sets out the Governance arrangements and method of operation for the South East Devon Habitat Regulations Executive Committee (HREC) as agreed by East Devon District Council, Exeter City Council and Teignbridge District Council.

1.2 It also provides detail on the working relationships between the HREC, the Habitat Regulations Delivery Officer, the Officer Working Group and the Green Infrastructure (GI) Board.

2. Background

2.1 Local Plans from each of the three partner Authorities set out allocations for increases in housing provision which will result in an increased population and therefore a proportional increase in recreational requirements.

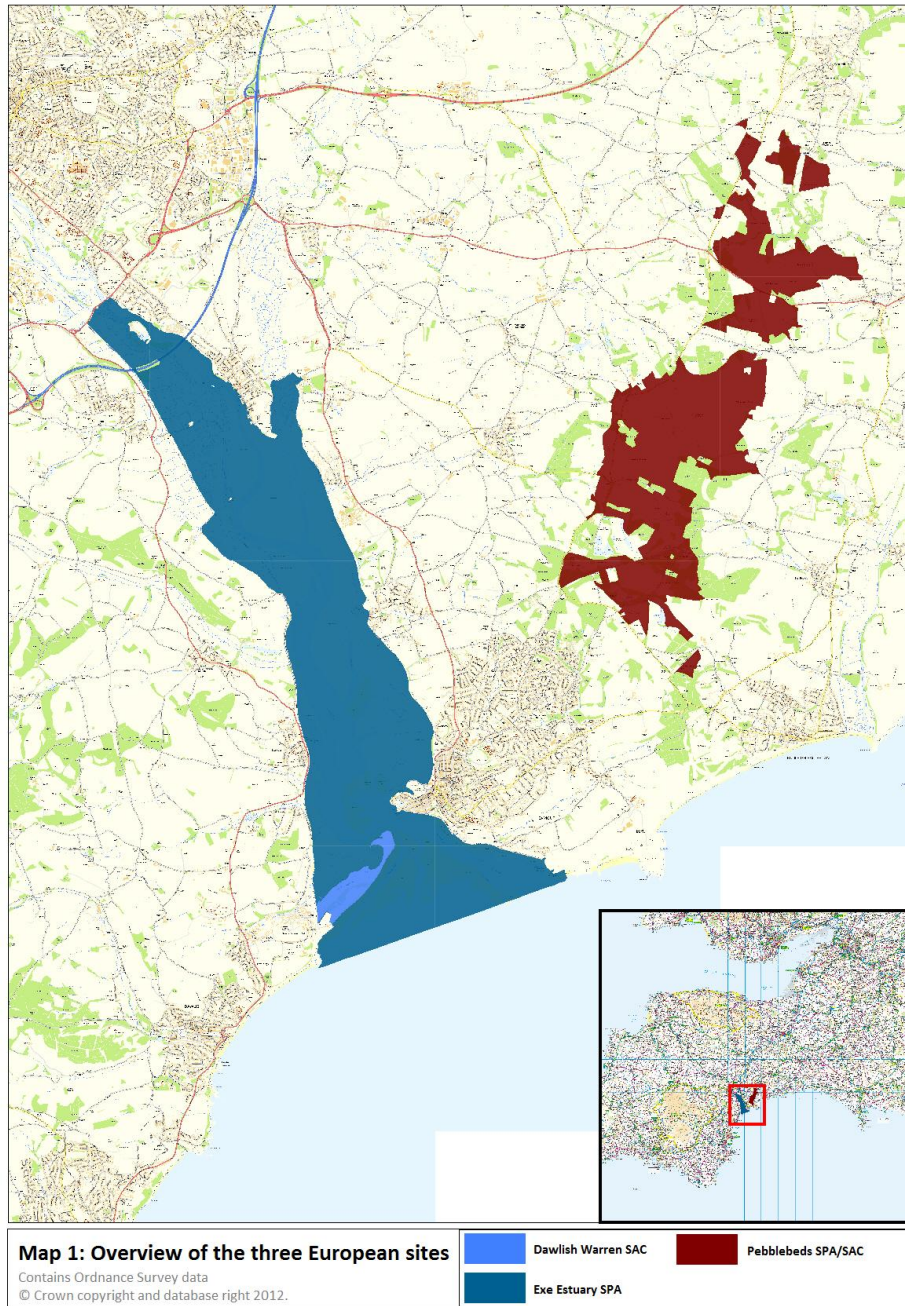
2.2 Through extensive survey work, it has been established that there are likely significant effects from recreational activity which have the potential to affect species and habitats of European importance. Locally these sites are Dawlish Warren Special Area of Conservation (SAC), the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths (SAC & SPA) (location map on next page).

2.3 The Conservation of Species and Habitats Regulations (2010) (as amended), often referred to as the Habitat Regulations, sets out certain requirements for plans and projects which are likely to have a significant effect, alone or in combination, on a European site. Simply, Regulation 61 of the Habitat Regulations states that if these plans or projects cannot be avoided, their impacts must be mitigated or they cannot legally proceed.

2.4 To enable Local Plans to deliver the development envisaged, it is necessary to mitigate for the projected increase in recreational pressure so as to satisfy the legal requirements imposed under the Habitats Regulations. The three partner authorities have worked up an evidence-based strategy which identifies and estimates costs for a number of projects which will mitigate the impacts of development on the European Sites identified above, which developers are required to fund. The total amount of developer contribution will therefore be delivered in line with the amount of development.

2.5 The South East Devon European Site Mitigation Strategy (“the Strategy”) prepared by Footprint Ecology was received by East Devon District Council, Exeter City Council and Teignbridge District Council in June 2014. The Strategy was accepted by all three authorities. The final approved version of the Strategy can be seen here – [<http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter8.4-environment/env038a-footprintecologysedevoneuropeanmitigationstrategy.pdf>]

Map: Overview of the three European sites.



2.6 The Strategy recommends two approaches to mitigation – on site measures and the provision of Suitable Alternative Natural Green Space (SANGS). The on site measures relate to projects on the protected sites, whilst SANGS will provide accessible countryside areas which will ease the pressure on the protected sites by providing desirable alternatives.

2.7 In order to ensure that the Strategy is effectively implemented across the three partner authorities it was agreed between the authorities that there should be established a joint committee to ensure that this happens. The South East Devon Habitat Regulations Executive Committee (HREC) has formally been approved by East Devon District Council, Teignbridge District Council and Exeter City Council. This collective approach to a common issue accords with the 'Duty to Cooperate'.

2.8 The three partner authorities have agreed to delegate all necessary powers that would otherwise have been exercisable by each partner authority to the HREC, to enable it to ensure the delivery of the mitigation measures set out in the Strategy. It should be noted that powers relating to compulsory purchase have been retained by each partner authority and not divested to the HREC.

2.9 The partner authorities have agreed a Terms of Reference and Procedure Rules (Appendix 1) by which the HREC will operate. Scrutiny arrangements will be operated at a local level.

2.10 It has been agreed that East Devon District Council (EDDC) will be the accountable body, responsible for administering the finances to support the decisions of the HREC. The S.151 Officers from the partner authorities are currently agreeing the appropriate mechanism for dealing with the financial arrangements.

3. Functions of the Executive Committee

3.1 The functions of the Executive committee include the following:

- Monitoring the implementation and effectiveness of the mitigation measures and agree changes where necessary.
- Ensure that there is a simple and transparent audit trail linking S106 and CIL financial allocations for European site mitigation, and the works and projects that deliver mitigation. Allocate budget accordingly, taking account of other arising mitigation opportunities.
- Secure the cooperation of all stakeholders.
- Monitor risks, progress and effectiveness of delivery.
- Identify, lobby for and secure complementary funds.
- Monitor and review the delivery of the South-East Devon European Site Mitigation Strategy (and when adopted the Pebblebed Heaths Visitor Management Plan) quarterly and publish a progress report annually.
- Formally advise on any emerging requirements for refreshing the evidence base used to determine the Strategy (and when adopted the Plan).
- To include reviews of developer contribution charges in line with increased costs, inflation/index linking and funding mitigation expenditure in perpetuity.

- Establish and maintain a financial model that ensures delivery of mitigation in perpetuity.
- Liaise between partner organisations and share best practice.
- Ensuring that a record is kept of planning proposals which are agreed through the planning process to satisfy their own mitigation requirements (and as such do not form part of the mitigation Strategy).

3.2 Decisions regarding delivering the mitigation measures will be taken in accordance with a 5 year Delivery Programme and an Annual Business Plan, both of which the HREC will be asked to agree at its first meeting and at appropriate intervals thereafter. The HREC will be supported and advised as set out below.

4. Relationship with the Habitat Regulations Delivery Officer, Officer Working Group, Green Infrastructure Board, Exeter and Heart of Devon Growth Board.

4.1 Habitat Regulations Delivery Officer

4.1.1 Neil Harris has been appointed as the Habitat Regulations Delivery Officer and will work on the detailed implementation of the work programme set by the HREC, addressing the practical and technical aspects of project delivery. He will act as the link between the HREC and the Officer Working Group.

4.1.2 Delivery Officer function:

- identifying projects that can come forward in a timely manner and will result in cost effective mitigation benefits
- bringing projects to a stage where they are ready for final design/delivery in close collaboration with relevant authorities, landowners and delivery agents
- estimating costs and timescales
- drafting a 5 year programme for delivery and 1 year Business Plans
- identify mitigation opportunities that aren't in the programme for delivery and, if appropriate, recommend to the HREC as valid 'departure' projects
- managing projects and the completion of works in accordance with the current Business Plan
- overseeing effective management of mitigation measures to ensure their long-term effectiveness
- co-ordinating monitoring of European Site integrity
- reporting to the HREC on progress with project implementation, monitoring outcomes and any resulting recommended action.

4.2 Officer Working Group

4.2.1 Organisational membership of this Group reflects that of the Committee at officer level as well as other statutory agencies, key stakeholders and land managers. Accordingly the Group comprises:

East Devon District Council
Teignbridge District Council
Exeter City Council

Natural England
Clinton Devon Estates
National Trust
RSPB
Devon Wildlife Trust
Exe Estuary Management Partnership

4.2.2 The Group will provide expert advice to the Delivery Officer and HREC from their areas of expertise.

4.2.3 The Group will also provide support and regular management input to the Delivery Officer, as well as assisting with reports and setting agendas for the HREC. They will meet at least quarterly, prior to HREC meetings and will:

- Provide expert advice to Delivery Officer and HREC from their areas of expertise.
- Provide support and regular management input to the Delivery Officer. At least one dedicated officer allocated to support the Delivery Officer from each partner authority, within the Officer Working Group.
- Work with Delivery Officer to prepare agendas and reports to HREC
- Continue in planning/delivery interface role
- Continue to be aware of / investigate developments/novel approaches to recreation mitigation.

4.2.4 There is potential to widen the membership of this Group on a project by project basis e.g. by seeking representation from Devon and Severn IFCA (Inshore Fisheries and Conservation Authority) and others.

4.3 Green Infrastructure Board

4.3.1 Similar in structure to the HREC (except non-statutory), the Green Infrastructure Board is a strategic advisory body of elected members from Exeter, East Devon and Teignbridge, supported by senior representatives from statutory agencies, the respective local authorities and key stakeholders. The Board is presently chaired by Peter Lacey, who is not affiliated to any local authority or statutory agency.

4.3.2 The Chair of the GI Board will be invited to attend HREC meetings to ensure potential synergies with the delivery of the Green Infrastructure strategy can be taken forward.

4.3.3 The Board governs and assists with the delivery of the area Green Infrastructure Strategy for Exeter, East Devon and Teignbridge. The Board is supported by its own Officer Delivery Group and Green Infrastructure Project Manager, Simon Bates. It is anticipated that there will be close working between the GI Project Manager and the Habitat Regulations Delivery Officer, with a view to collaboration where appropriate.

4.4 Exeter and Heart of Devon Growth Board

4.4.1 The Growth Board exists to overcome barriers to the delivery of strategic projects and to progress the growth agenda for the Exeter and Heart of Devon economically functional area. It supports enterprise, innovation and skills development, coordinating approaches to investment and infrastructure planning.

4.4.2 Successful implementation of mitigation requirements is inexorably linked to new development and is therefore of significant importance to the Growth Point. Therefore, progress on the delivery of the Strategy will be reported quarterly to the Growth Board.

5. Funding

5.1 Funds are collected through two approaches: Section 106 planning obligations and through the Community Infrastructure Levy (CIL). Recent amendments to the CIL regime mean it is no longer possible to “pool” more than 5 S106 planning obligations signed after April 2015 to pay for items defined as infrastructure within the CIL Regulations.

5.2 The Delivery Officer is keeping a record of all developer contributions through S106 planning obligations and CIL which have been received, as well as those not yet received (but for which permissions have been granted) at each of the 3 authorities. This enables a clear and simple audit trail of developer contributions and the work or projects required to deliver mitigation.

5.3 Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the European sites will not occur. As new residential development is permanent in nature, the mitigation secured should equally provide lasting protection for the European site interest features. Mitigation measures therefore include measures that will need to fulfil their function in-perpetuity.

5.4 Accordingly, the Delivery Officer is working with accountants at East Devon District Council in order to identify a practical financial model which will provide funding in perpetuity for on site measures. Options for ongoing maintenance of

SANGS are being developed by the relevant planning departments at the 3 authorities.

5.5 The Delivery Officer will present a financial report at each subsequent meeting of the Executive Committee which will detail:

Contributions received;

Contributions from permissions granted but not yet received;

Funds allocated;

Funds committed;

Funds spent.

6. Mitigation Delivery

6.1 The Annual Business Plan and the 5 year Delivery Programme is a list of on site mitigation measures from the Strategy, scored and prioritised by the Delivery Officer according to criteria agreed by the Officer Working Group and timescales recommended in the Strategy. The criteria have been developed in order to identify the most effective mitigation projects.

6.2 The Executive Committee will approve projects in the Annual Business Plan and 5 year delivery programme at the first meeting of each year of operation. Thereafter, subject to the amount of contribution received, there is the flexibility to include other projects at subsequent quarterly meetings. The Committee will receive quarterly progress reports from the Delivery Officer regarding the implementation of the Annual Business Plan. The Delivery Officer will also provide quarterly updates on the situation of current and forecasted developer contributions, as well as project expenditure.

6.3 Subsequent to approval from the Executive Committee and allowing time for call-in and scrutiny, the Delivery Officer will undertake delivery and implementation of those projects, supported by relevant officers from the working group. The Delivery Officer will require powers sufficient to hire staff, purchase vehicles and equipment, award monitoring and survey contracts, subject to a recommended per item limit of £50,000. Until such time as the HREC agree a set of procurement rules it is expected that the HREC / Habitat Regulations Delivery Officer will rely on East Devon District Council's Contract Standing Orders (adapted to suit) for procurement.

6.4 Other interested parties will be invited to attend Executive Committee meetings in an advisory capacity. In particular, Natural England will attend every meeting as they hold the expertise to comment on the suitability of proposed Executive Committee decisions.

6.5 The Chair of the Green Infrastructure Board will also be invited to attend to ensure potential synergies with the delivery of the Green Infrastructure strategy can be taken forward.

6.6 A HREC Communications protocol has been agreed between lead Communications Officers at the three authorities (see separate report) which provides details of all key communications contacts – at the authorities and for all key stakeholders. This will enable a proactive, comprehensive and co-ordinated approach to media relations.

6.7 The Exeter and East Devon Growth Point will act as the key Communications Officer for all Habitat Regulations media contact, in close liaison with the Delivery Officer.

7. Delivery of Suitable Alternative Natural Green Space (SANGS)

7.1 The delivery of SANGS is being undertaken by dedicated Planning Officers at Teignbridge District Council and overseen at Exeter City Council and East Devon District Council by the Green Infrastructure Project Manager, Simon Bates.

7.2 Due to the confidential nature of negotiations with landowners, particularly regarding land values and location, it has only recently been practicable for SANGS progress to be brought to the Officer Working Group.

7.3 SANGS proposals based on enhancing Riverside and Ludwell valley parks in Exeter have been developed through masterplanning work, also ongoing, and have been presented to the Officer Working Group and Exeter City Council Executive.

7.4 Separate reports on current SANGS progress and options are considered commercially sensitive and therefore are reported in Part B of the meeting.

7.5 Future SANGS progress and opportunities will be reported to the Officer Working Group by planning officers for approval and comment. Thereafter, those officers – or the Green Infrastructure Project Manager - will report SANGS recommendations to the HREC.

Natural England comments:

Regarding 2.6 we wish to clarify, for the benefit of committee members, that the Strategy includes 3 elements: on-site measures, cross-site measures, of which SANGS forms a part, and monitoring. Regular review of the annual business plan and 5 year delivery programme through this committee should ensure that an appropriate balance between these elements is achieved.

4.1.2 Delivery Officer Function: In natural England's opinion it is essential that the Delivery Officer maintains an overview of all the elements of mitigation delivery and monitoring, including those which he is not specifically responsible for. Without this he will be unable to provide comprehensive reporting to the committee.

Given the complexities of delivering the Habitat Regulations Mitigation Strategy we recommend that a specific requirement of the post, to build and maintain communication with the officers of other strategic mitigation approaches to enable learning and sharing, is recognised.

There appear to be inconsistencies in the rates being charged (whether through CIL or S106) between authorities and zones. This needs to be rectified ASAP and we therefore recommend that a review of current charging rates be undertaken prior to the next meeting of this committee.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

South East Devon Habitat Regulations Executive Committee

Terms of Reference and Rules of Procedure

1. Introduction

- 1.1 The Delegation of Functions and Rules of Procedures set out in this document regulate the proceedings of the Habitat Regulations Executive Committee (HREC) which was created by East Devon District Council, Exeter City Council and Teignbridge District Council as the South East Devon Habitat Regulations Joint Committee to govern delivery of mitigation measures as set out in the South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan.
- 1.2 The South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan are required to ensure timely and effective mitigation arising from new development with the potential to impact three sites of European wildlife importance, namely the;
- Exe Estuary Special Protection Area and Ramsar Site, Dawlish Warren Special Area of Conservation, and
East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area
- 1.3 The Councils have delegated all the necessary decision making powers to enable the Habitat Regulations Executive Committee to operate so as to deliver the identified mitigation measures.
- 1.4 In carrying out its role the Habitat Regulations Executive Committee shall, where necessary, act as a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010.
- 1.5 East Devon District Council will be responsible for holding and administering developer contributions and community infrastructure levy receipts and to provide advice and guidance on all financial matters. Legal advice and guidance will be agreed between the authorities.
- 1.6 In this document the following words have the following meanings:
“**Chief Executive**” means the Chief Executive of a Council and together the “Chief Executives”
“**Committee**” means the HREC
“**Council**” means East Devon District Council, Exeter City Council or Teignbridge District Council as the context so permits and together “the Councils”
“**Executive**” means the Executive or Cabinet of the Councils
“**Proper Officer**” means the Democratic Services Manager or Corporate

Manager, Democratic and Civic Support

“**Relevant Council**” means the Council at which the next Committee meeting will be held

Section A – Delegation of functions

1. Habitat Regulations Executive Committee

The Councils have appointed the HREC which will make the operational decisions on behalf of the Councils to implement and deliver measures to mitigate against the impact of development pressures. Those decisions will be taken in accordance with a 5 year Delivery Programme and the Business Plan, both of which the HREC shall agree at its first meeting. Thereafter the 5 year Delivery Programme shall be reviewed every 5 years and the Business Plan annually.

Other functions that are within the remit of the HREC include:

- Monitoring the implementation and effectiveness of the mitigation measures and agree changes where necessary.
- Ensure that there is a simple and transparent audit trail linking S106 and CIL financial allocations for European site mitigation, and the works and projects that deliver mitigation. Allocate budget accordingly, taking account of other arising mitigation opportunities.
- Secure the cooperation of all stakeholders.
- Monitor risks, progress and effectiveness of delivery.
- Identify, lobby for and secure complementary funds.
- Monitor and review the delivery of the South-East Devon European Site Mitigation Strategy (and when adopted the Pebblebed Heaths Visitor Management Plan) quarterly and publish a progress report annually.
- Formally advise on any emerging requirements for refreshing the evidence base used to determine the Strategy (and when adopted the Plan).
- To include reviews of developer contribution charges in line with inflation/index linking and funding mitigation expenditure in perpetuity.
- Establish and maintain a financial model that ensures delivery of mitigation in perpetuity.
- Liaise between partner organisations and share best practice.
- Ensuring that a record is kept of planning proposals which are agreed through the planning process to satisfy their own mitigation requirements (and as such do not form part of the mitigation Strategy).

Section B – Rules of Procedure

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1. General

- 1.1 These Rules of Procedure (Rules) provide one set of bespoke procedural rules to govern the meetings of the Committee established to govern delivery of habitat mitigation as set out in the Introduction and Section A above.
- 1.2 The Chairman of the Committee's view on the interpretation of these Rules is binding at the particular Committee.
- 1.3 These Rules may be reviewed at any time and any amendments must be made in accordance with the delegated authorities given by the Councils.

2. Ordinary Meetings

- 2.1 Ordinary meetings of the Committee will:
 - (i) deal with any business required by statute to be done before any other business;

- (ii) approve the minutes of the last meeting;
- (iii) deal with business expressly required by statute to be done;
- (iv) receive any communications or announcements from the Chairman or the Councils;
- (v) deal with any business from the last meeting;
- (vi) consider motions;
- (vii) consider any other business specified in the summons to the meeting;

In addition to (i) – (vii) above the HREC shall:

- (vii) receive reports from the Delivery Officer and / or the Officer Working Group;
- (ix) consider referrals made to it by any of the Councils' relevant scrutiny Committees;
- (x) receive questions on the operational matters of the HREC from members of the Councils and members of the public and provide answers to those questions

In addition to (i) – (vii) above each authority's relevant Scrutiny Committee shall:

- (xi) receive reports on performance from the HREC; and
- (xii) report to each Executive Committee of the Councils annually on the performance of the HREC.

2.2 The Committee may vary the order of business so as to give precedence to any business. However such a variation shall not displace business falling under item (i) in this rule.

3. Extraordinary meetings

3.1 Calling extraordinary meetings

Those listed below may request a meeting of the Committee in addition to ordinary meetings:

- Any of the Executives of the Councils by resolution;
- the Chairman of any of the Councils
- the Monitoring Officer of any of the Councils having first notified the Chairman of the Councils; and
- any five Members of any of the Councils if they have signed a requisition presented to the Chairman of their respective Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

At an extraordinary meeting of the HREC the business to be conducted shall be limited to a single item in the form of a motion full details of which shall be set out on the summons calling the meeting.

4. Frequency, time and place of meetings

- 4.1 In the first year of operation of the HREC there shall be at least four meetings of the HREC.
- 4.2 From the second year of operation, the HREC can determine the frequency of its meetings following consideration of the HREC's projected workload. Extraordinary meetings of the HREC can be called in accordance with Rule 3 above.
- 4.3 Meetings shall take place at the offices of the HREC's then Chairman;
- 4.4 The time and place of meetings will be determined by the Chief Executive of the Relevant Council and notified in the summons.

5. Notice of and summons to meetings

- 5.1 The Chief Executive of the Relevant Council will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the relevant Committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. Chairing of meetings

- 6.1 The Chair of the HREC will be appointed for a maximum period of 12 months rotating thereafter between the Councils. For the first year the Chair will be from East Devon District Council and then Exeter City Council and then Teignbridge District Council.
- 6.2 The Chairman does not have a casting vote.

7. Committee Composition

- 7.1 **HREC**

The HREC shall comprise;

- three members one from each of the Councils, each with an equal vote and shall where possible be the Portfolio Holder responsible for any of sustainable development, strategic planning, environment or similar function
- one person from each of the bodies listed below all of which shall be non-voting positions;
 - Natural England
 - Green Infrastructure Board

8. Quorum

- 8.1 For the HREC the quorum is the three Council members or their nominees.
- 8.2 During any meeting, if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman or when the meeting becomes quorate again. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Voting

- 9.1 Voting will be taken by a show of hands.
- 9.2 Each member has an equal vote.
- 9.3 The Chairman does not have a casting vote.
- 9.4 For a decision taken at the HREC, a decision must be unanimous.
- 9.5 There will be no opportunity for a ballot vote.
- 9.6 If the meeting so decides (prior to a vote being taken) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 9.7 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. (This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations)

10. Questions and statements by the public

- 10.1 For the HREC, subject to Rule 10.2, there shall be a fifteen minute period at the commencement of Committee meetings for members of the public to ask questions. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of three minutes.
- 10.2 Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted in writing to the Proper Officer of the Relevant Council not less than two working

days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.

- 10.3 The Chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

11. Questions by Members

- 11.1 A member of the Councils may ask the HREC any question without notice upon an item of the report to the HREC when that item is being received or under consideration.
- 11.2 A member of any of the Councils may ask a question on notice relating to any function of the HREC not to be considered at the Committee meeting provided that they have given at least two working days' notice in writing of the question to the Proper Officer or, where the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer of their Council by 9.15am on the day of the meeting.
- 11.3 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 11.4 A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12. Motions on notice

12.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least five members of a Council, must be delivered to that Council's Proper Officer not later than ten working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Clarification of motion on notice

Where a motion on notice has been submitted in accordance with this Rule, and prior to the dispatch of the agenda, the Chief Executive of the relevant Council may seek to clarify the purpose and/or wording of such a motion (such action may include recommending its rewording) so as to ensure that any such motion, if approved, is compliant with the Committee's legal and administrative powers.

12.4 Referral of motion to relevant committee

Where the wording of the motion is not immediately relevant to the business of the Committee, the presumption is that it will be referred to the relevant Committee in the first instance to enable research to be properly carried out into the issue to facilitate a relevant and informed debate.

12.5 Committee's response to motion

The Chairman, at his discretion, may invite any member (or his nominee) or officer to respond to a motion or a question.

12.6 Scope

Motions must be about matters for which the Committee has a responsibility.

13. Motions without notice

The following motions may be moved without notice:

- (a) in relation to the accuracy of the minutes;
- (b) to change the order of business in the agenda;
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate; (k) to adjourn a meeting;
- (l) to suspend a particular procedure Rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (o) to give the consent of the Council where its consent is required by these Rules.

14. Rules of debate

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

14.5 When a Member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time.

No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

14.8 Withdrawal of motion

A member may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The proposer of the amendment shall also be entitled to reply
- (c) A member exercising a right of reply shall not introduce new matter.

14.10 Motions that may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;

- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

14.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a Committee meeting within the past six months cannot be moved unless the notice of motion is signed by at least 15 members, from a Council or the Councils.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a Committee meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members from a Council or the Councils. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Minutes

16.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

16.2 There is no requirement to sign minutes of previous meeting at an extraordinary meeting.

16.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations

17. Record of attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

18. Exclusion of public

Members of the public and press may only be excluded either in accordance with Rule 28 (Access to Information Rules) or Rule 20 (Disturbance by Public).

19. Members' conduct

19.1 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

19.2 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

19.3 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.4 Disclosable Pecuniary Interest

Unless a dispensation has been granted, a member shall not participate in any discussion of, or vote on, any matter in which they have a Disclosable Pecuniary Interest and having first declared to the meeting the existence and nature of that interest shall withdraw from the room where the meeting is being held at the commencement of the consideration of that business, or (if later) the time at which the interest becomes apparent.

Where the Disclosable Pecuniary Interest is sensitive (as defined on the Member Code of Conduct of the respective Councils) the member need not disclose the nature of that interest but must still state there is a Disclosable Pecuniary Interest and otherwise follow the requirements of the previous paragraph.

19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

19.6 Code of Conduct

Appointed members to the Committee remain subject to the adopted Code of Conduct of their respective Councils

20. Disturbance by public

20.1 Removal of member of the public

If a member of the public interrupts proceedings or is found to be recording the proceedings of the meeting (by video or otherwise) in a manner that is disruptive to business, the Chairman will warn the person concerned. If they continue to interrupt or record the meeting contrary to the Chairman's instructions, the Chairman will order their removal from the meeting room and the forfeiture of the unauthorised recording.

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

21. Suspension and amendment of the Rules

21.1 Suspension

All of these Rules except Rule 9.7 and 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of each of the Councils or until each Council has approved the amendment in accordance with the relevant delegated authority given by that Council.

22. Motions affecting Staff

If any question arises at a meeting of the Committee to which the Local Government Act 1972 applies by virtue of Section 100(A)(4) concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Councils, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

23. Call-in

23.1 A decision is made by the HREC but the decision does not come into effect until a Call-in period has elapsed.

23.2 Within two working days of the decision being made, the Proper Officer (which in this context means the Proper Officer of the Council where the last meeting was held) will notify all members of the Councils of the decision. The notice will include the date of the notification and the date the decision will come into effect if there is no Call-in. The "effective date" of the decision which will be 10.00 am on the day after the expiry of five clear working days from the notification to members (Saturdays, Sundays and Bank Holidays are excluded). For example, in respect of a decision made by the HREC on a Wednesday, notification will be given to all members by Friday of the same week and the effective date of the decision will be 10.00 am on the following Monday.

23.3 A request for a call-in of the decision must be received by the Proper Officer (which in this context means the Proper Officer of Council whose members have exercised the power of call-in) between the date of notification to members and the effective date of the decision.

- 23.4 For the call-in to be valid, the request must comply with the respective authorities call-in procedures.
- 23.5 If the matter is referred back to the HREC after consideration by an authorities relevant Scrutiny Committee, the HREC shall consider the concerns, amending the decision or not, before adopting a final decisions.

Urgent Decisions

- 23.6 Urgent decisions shall be excluded from the call-in process. What constitutes an urgent decision will be agreed between the Chief Executives and the voting members of the HREC and the Chairman of each authority's relevant Scrutiny Committee. The reason why the decision was urgent shall be recorded.

Referral to Councils

- 23.7 When considered by each authority's relevant Scrutiny Committee, the matter may be referred back to the HREC for further consideration or in exceptional circumstances, i.e. a matter of significance for the Councils affecting the strategic importance of habitat mitigation, referred to the Councils for further consideration and then referral back to the HREC. Whether the matter is considered exceptional will be agreed between the Chief Executives and the voting members of the HREC and the Chairman of each authority's relevant Scrutiny Committee. When considered by the Councils, the matter will need to go back to the HREC in the form of a report with recommendations from the Chairmen of each of the Council's relevant Scrutiny Committee.

Limit on number of call-ins

- 23.8 A matter which has been the subject of a call-in by one Council may not be the subject of a second call-in by the same Council.
- 23.9 Each of the Councils may call in a decision of the HREC.

24. Inspection of documents

- 24.1 A member of the Council may for the purposes of his duty as a member but not otherwise inspect any document that contains material relating to any business to be transacted, or which has been considered, at a meeting of the Committee. If copies are available they shall be supplied on request.
- 24.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested; or has a Disclosable Pecuniary Interest within the meaning of the Code of Conduct for members.

- 24.3 This Rule shall not preclude a Chief Executive or Solicitor from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client or where it appears to the Chief Executive that a document discloses exempt information of a description set out in Section 100F(2) of the Local Government Act 1972.
- 24.4 All minutes of the Committees shall be open for the inspection of any member of the Councils during office hours.

25. Inspection of land, premises etc.

A member of a Council unless authorised to do so by a Council or Committee, shall not have the right to inspect any lands or premises which the Councils have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Councils.

26. Proceedings at meetings

- 26.1 No person shall disclose "confidential information" or "exempt information" in any circumstances. However this Rule shall not forbid disclosure of the resolution or any recommendation which has been made or other contents of the relevant minute.
- 26.2 In the event of any member disclosing such information, he/she shall be liable to investigation by their Council's Monitoring Officer and may be subject to a report to the Standards Committee.

27. Attendance when not a Committee Member

- 27.1 A member who has proposed a motion which has been referred to a Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion, and if he attends, shall have an opportunity of explaining it.
- 27.2 A member of the Council may attend all proceedings of the Committee.
- 27.3 A member who wishes to raise any matter appropriate to a Committee of which he is not a member, may do so by giving notice in writing to the Proper Officer of their Council at least two clear days before the next ordinary meeting of the appropriate Committee. The member may also attend a special meeting if the matter in which he is interested is to be discussed by that special meeting. Such notice shall contain particulars of the matter that they wish to raise. They shall then have the right to explain and discuss the matter.
- 27.4 Any member attending a Committee meeting of which he is not a member shall not be able to propose or second any motion nor to vote at that meeting. Except as otherwise provided in this Rule they shall not be entitled to speak at that meeting (except with the permission of the Chairman).

28. Access to Information

28.1 Additional Rights to Information

These Rules do not affect any more specific rights to information afforded by law.

28.2 Rights to Attend Meetings

Members of the public may attend all public meetings subject only to the exceptions in these Rules.

28.3 Notices of Meeting

At least five clear days' notice will be given of any meeting by posting details of the meeting at the Councils' offices and placed on the Councils' websites.

28.4 Access to Agenda and Reports before the Meeting

The Council hosting the Committee meeting will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer for the Council shall make each such report available to the public as soon as the report is completed and sent to members) will be open to inspection for the time the item was added to the agenda.

28.5 Supply of Copies

The Council hosting the meeting will supply copies of:

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Chief Executive or Monitoring Officer of the Council hosting the Committee meeting think fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

28.6 Access to minutes etc. after the meeting

The Council which hosted the Committee meeting will make available copies of the following for six years after a meeting:

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting, and

- (iv) reports relating to items when the meeting was open to the public.

28.7 Background Papers

List of background papers

The proper officer of the Council hosting the Committee meeting will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- disclose any facts or matters on which the report or an important part of the report is based; and
- which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

29. Key Decisions

29.1 A "Key Decision" means a decision of the HREC which is likely:

- (a) to result in the Committee or any of the Councils incurring expenditure which is, or the making of savings which are, significant having regard to the Committee's or the Councils' budgets for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in any of the Councils' areas;

29.2 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State

29.3 A decision taker may only make a key decision in accordance with the requirements of these Rules.

29.5 The HREC shall publish a forward plan of anticipated Key Decisions.

29.6 Notice of Key Decision

Subject to the general exception and urgency provisions below, no Key Decision may be taken unless:

- (i) a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question;
- (ii) at least 28 clear days have elapsed since the publication of the Notice of Key Decision; and
- (iii) where the decision is to be taken at a meeting of the HREC notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

29.7 Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the

HREC and it will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) the date on which, or the period within which, the decision is to be made;
- (iii) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (iv) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (v) that other documents relevant to those matters may be submitted to the decision maker; and
- (vi) procedure for requesting details of those documents (if any) as they become available.

29.8 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the offices of the Relevant Council of the next HREC meeting at which the Key Decision is to be made.

29.9 Exempt information need not be included in a Forward Plan and confidential information cannot be included.

29.10 The Forward Plan

The Councils are not required by law to publish a forward plan. However, the Notice of Key Decision published by the relevant Council set out not just details of specific key decisions, but also details of key decisions over a four month period (including important decisions to be made by the HREC).

29.11 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 29.13 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Proper Officer of the Relevant Council has informed the Chair of the relevant Scrutiny Committee meeting the matter about which the decision is to be made;
- (iii) the Proper Officer of the Relevant Council has made copies of that notice available to the public at the offices of the relevant Council and on the Councils' websites; and
- (iv) at least five clear days have elapsed since the Proper Officer complied with 29 (ii) and 29 (iii)

29.12 As soon as reasonably practicable after the Proper Officer of the Relevant Council has complied with Rule 29.11, they must make available at the Councils' offices and publish on the Councils' websites the reasons why compliance with issuing a Notice of Key Decision was impractical.

29.13 Special Urgency

If by virtue of the date by which a Key Decision must be taken Rule 29.11 (general exception) cannot be followed, then the Key Decision can only be taken if the Chief Executive of the Relevant Council obtains the agreement of the Chair of the next Scrutiny Committee meeting of the Relevant Council.

29.14 As soon as reasonably practicable after the Chief Executive of the relevant Council has obtained agreement under Rule 29.13 they must make available at the Councils' offices and publish on the Councils' websites the reasons why the meeting is urgent and cannot reasonably be deferred.



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Financial Report

Neil Harris, Habitat Regulations Delivery Officer
June 2016

Legal comment/advice

There are no direct legal implications arising from the report.

Finance comment/advice:

The current financial position is outlined in the report and links to the Annual Business Plan and 5 year Delivery Programme.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the Executive Committee:

- 1. Notes the progress made in collating detailed financial information from the three authorities.**
- 2. Receives quarterly updates on the overall financial position including contributions received, contributions not received because arrangements may be in place for contributions to be with-held, expenditure and anticipated contributions (from signed S106).**
- 3. Receives yearly updates on 5 year income forecasts of developer contribution receipts, clearly identifying where these have been retained by the collecting authority where any agreement is in place for contributions to be with-held.**
- 4. As financial administrator, EDDC will invoice Exeter City Council and Teignbridge District Council quarterly in arrears, as a minimum, to cover agreed costs incurred by EDDC on behalf of the Partnership. An exercise to agree balances between the parties will also be initiated quarterly by EDDC.**

Equalities impact: Low

Risk: Low

This is a report on the current and forecasted financial position of developer contributions collected for Habitat Regulations mitigation across the three local authorities.

1. Summary

1.1 The purpose of this report is to update members of the Executive Committee on the overall financial position of developer contributions received by all 3 Local Authorities as mitigation payments towards measures identified in the South East Devon European Site Mitigation Strategy (“the Strategy”).

1.2 The report set out details of the contributions received from inception (at Teignbridge District Council, the earliest adopter of Habitat Regulations developer charges, this is 2008) until the end of the 2015 financial year.

1.3 The report also contains details of anticipated income from contributions where planning permission has been granted but the contribution has not yet been paid.

1.4 Details of expenditure to date and subsequent balances are provided, as are estimated costs of the 2016 annual business plan and 5 year delivery programme. Details on both of these are provided in separate reports.

1.5 The Joint Interim Approach (JIA) is the period in time from which developer contributions were charged in each authority at a standard £350 per dwelling.

This was:

15th Dec 2008 until 1st Aug 2014 at Teignbridge District Council;

1st Nov 2011 until 1st Aug 2014 at Exeter City Council; and

1st Nov 2011 until 1st Aug 2014 at East Devon District Council.

The Strategy and the cost estimates within it then informed the new charging zones and amounts from August 2014.

2. Developer contributions received to date:

Table 1 Developer contributions received to date, according to the charging schedule, wording of S106 obligations and Community Infrastructure Levy charges:

SANGS	£581,138.29
JIA (Joint Interim Approach) On site	£ 370,581.67
Dawlish Warren On-site	£113,633.85
Exe Estuary On-site	£23,916.58
Pebblebed Heaths On-site	£19,972.54
Total	£1,109,242.93

3. Expenditure (to end Q4 2015):

Table 2 Balance of receipts, less expenditure to date:

Charging zone/period	Received	Expenditure	Balance
SANGS	£581,138.29	£5,550	£575,588.29
JIA On site	£370,581.67	£46,882.56	£323,699.31
Dawlish Warren On site	£113,633.85	£458	£113,175.85
Exe Estuary On site	£23,916.58	£0	£23,916.58
Pebblebed Heaths On-site	£19,972.54	£8,917	£11,055.54
Total	£1,109,242.93	£61,807.56	£1,047,435.37

3. Expenditure to date:

SANGS

3.1 Nine automated visitor counters were installed at a cost of £5,550 at Riverside and Ludwell Valley Parks and at Drakes Meadow (Mincinglake Valley Park) in Exeter, in February 2016. The count data will be used in July 2016 to calculate whether the Parks can absorb more visitors. After being used for this purpose they will then be used for monitoring visitor numbers to determine the effectiveness of mitigation measures, either at SANGS sites or on the protected sites.

3.2 Remaining sections of this report are specifically concerned with on site measures as opposed to SANGS. It is expected that future SANGS developments, progress and proposals will be reported by the dedicated officers responsible for their delivery.

Joint Interim Approach – On site

3.3 Prior to May 2015, TDC employed a part time Delivery Officer to progress mitigation measures focused on the Exe Estuary and Dawlish Warren. This cost £8000 and will be allocated from the Joint Interim Approach funds.

3.4 The current Delivery Officer has been in post since May 2015. Salary and associated costs until the end of the 2015-16 financial year will be £38,882.56, which will be shared equally between the Joint Interim Approach funds.

Dawlish Warren – On site

3.5 Prior to May 2015, TDC spent £458 on some new dog information signs at Dawlish Warren. This will be allocated from the Dawlish Warren – On site funds.

Pebblebed Heaths – On site

3.6 The Strategy identified the requirement for a Visitor Management Plan for the Pebblebed Heaths SPA/SAC. Footprint Ecology was commissioned by EDDC to undertake the report, which is expected by summer 2016. The Strategy estimated the report to cost £12,000 but additional survey work was required, which increased the cost to £24,000.

3.7 Subsequently, the proportion of costs (£8,917) which it is reasonable to expect to be paid for through developer contributions has been agreed with the Planning Policy Manager at East Devon District Council. This relates to costs which can be identified as helping to deliver mitigation measures rather than the costs of collection of evidence for the purposes of informing planning policy.

£8,917 will be allocated from the Pebblebed Heaths – onsite funds.

4. Permissions granted but not yet received

Table 3 Position of all developer contributions from planning consents granted but not yet received, as at the end of the 2015 financial year at Teignbridge District Council and Exeter City Council, end of Q3 2015 for East Devon District Council.

SANGS	£947,694.38
(Joint Interim Approach) On site	£640,689.42
Dawlish Warren On-site	£90,857.77
Exe Estuary On-site	£118,011.89
Pebblebed Heaths On-site	£123,675.54
Total	£1,920,929

5. Annual business plan – estimated project cost

Table 4 Measures recommended to the Executive Committee as priorities for the 2016 annual business plan.

Measure	Capital cost	Revenue Cost	Total
Exe revised zoning	£5,000	£0	£5,000
Voluntary Exclusion Zone	£2,000	£0	£2,000
Exe codes of conduct	£10,000	£0	£10,000
Pebblebeds codes of conduct	£1,000	£0	£1,000
Patrol boat	£22,600	£7,000	£29,600
Two wardens		£68,000	£68,000
Warden vehicle	£20,000	£2,000	£22,000
Dog project	£12,000	£13,800	£25,800
Petalwort monitoring	£1,000	£0	£1,000
Delivery Officer		£40,000	£40,000
Dog bins	£3,500	£2,870	£6,370
Pebblebeds map	£1,500	£0	£1,500
Pebblebeds monitoring		£2,000	£2,000
Total	£ 78,600	£ 135,670.00	£ 214,270

5. Annual business plan forecast expenditure

5.1 These are the estimated costs of the recommended measures forming the 2016 annual business plan. Some of the estimated costs in the Strategy have been subject to revision after further investigation of the actual requirements of the project. For recommended Year 1 measures, these costs are:

5.2 Patrol Boat, Strategy estimate - £22,600. Expected cost between - £22-30,000. The discrepancy has arisen after further investigation into the actual market prices of patrol boats, the need to provide all weather protection (summer & winter) for the crew and the need to provide a boat (and engine) which can reasonably be expected to last into the foreseeable future.

5.2.1 The possibility of jointly funding a Patrol Boat with EDDC and ECC, to enable a renewed Harbour Authority presence in addition to mitigation work is being investigated by the Delivery Officer. A report on anti-social behaviour on the Exe and recommendation for part funding (£10-15,000) a Patrol Boat was approved by EDDC Cabinet on 07/10/15. Discussions are ongoing with Exeter City Council and Teignbridge District Council regarding the level of funding they may be able to provide.

5.3 Dog project, Strategy estimate – £12,000. Expected cost - £25,800 based on fixed term 18.5hr/wk project officer @ £12,000 salary (plus 15% on costs) plus £12,000 project start-up cost for materials, display boards, portable gazebo etc.

5.3.1 The Strategy estimate did not include a dedicated part time project officer to drive the project forward – which experience from Dorset (the original dog project) recommends as critical to success.

5.4 Warden vehicle, Strategy estimate - £9000 p.a for 2 lease vehicles. Expected cost £20,000 for outright purchase of 4x4 pickup (Ford Ranger, Mitsubishi L200 or similar), with replacement approximately every 10-15 years (dependent on condition and mileage).

5.4.1 The Strategy estimates vehicle lease costs based on 2 wardens working separately. Whilst the flexibility to work separately will be maintained, initial work schedules should allow for one vehicle to be sufficient.

5.4.2 Capita Asset Services is currently undertaking a procurement benchmarking exercise to obtain the best current prices in relation to this vehicle.

5.4.3 Should experience prove that two vehicles are necessary, it is envisaged that the other vehicle will be a small van-type (Renault Kangoo, Citroen Berlingo or similar). Initial research suggests that outright purchase would still be more cost effective over the timeframe.

7. Current balance less Yr 1 estimated expenditure:

Table 5 Balance of funds per charging zone/period after estimated Yr 1 expenditure:

Charging zone/period	Current balance	Less Yr 1 expenditure	Balance
JIA On site	£323,699.31	£187,400 (projects)	£136,299.31
Dawlish Warren On site	£113,175.85	£1,000 (Petalwort)	£112,175.85
Exe Estuary On site	£23,916.58	£5,000 (Zoning) £10,000 (Codes) £ 15,000 (total)	£8,916.58
Pebblebed Heaths On site	£11,055.54	£6,370 (Dog bins) £1,500 (map) £1,000 (codes of conduct) £2000 (monitoring) £ 10,870 (total)	£185.54
Total	£471,847.28	£214,270.00	£257,577.28

8. Annual business plan: estimated revenue costs (carried forward to Yr 5):

Table 6 Estimated revenue costs of the 2016 annual business plan per year, carried forward to year 5:

Project	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Two Wardens	£68,000	£68,000	£68,000	£68,000	£68,000	£340,000
Dog project (Officer)	£13,800	£13,800	£13,800	£0	£0	£41,400
Dog Project	£0 (covered by capital cost)	£2,000	£2,000	£2,000	£2,000	£8,000
Patrol Boat	£7,000	£7,000	£7,000	£7,000	£7,000	£35,000
Delivery Officer	£40,000	£40,000	£0	£0	£0	£80,000
Warden vehicle	£2,000	£2,000	£2,000	£2,000	£2,000	£10,000
Dog bins						
Pebblebeds	£2,870	£2,870	£2,870	£2,870	£2,870	£14,350
Monitoring Pebblebeds	£2,000	£4,000	£4,000	£4,000	£10,000	£24,000
Total	£135,670	£139,670	£99,670	£85,870	£91,870	£552,750

9. Five (5) Year delivery programme

9.1 The Officer Working Group and Delivery Officer have scored, discussed and agreed in principle a 5 Year delivery programme for on-site mitigation (subject to sufficient income). The delivery programme with accompanying income forecast 2016-21 is detailed in a separate report.

9.2 This essentially comprises the remainder of the measures recommended in the Strategy and the (draft) Pebblebed Heaths Visitor Management Plan. There are a number of measures which still require careful and considered negotiations with land owners, managers and user groups.

9.3 Income forecasts from S106 obligations for the financial years 2016-2021 are completed based on housing trajectory forecasts at each local authority. These forecasts are detailed in the 5 Year delivery programme and are used to inform decision making on prioritisation of mitigation measures.

9.4 Income forecasts from CIL for the same financial period have been completed by Exeter City Council. CIL forecasting at Teignbridge District Council is being progressed as a priority and will be used to augment the current forecasts in the 5 Year delivery programme in future reports.

9.4 **Table 7** Identifies measures in the 5 year delivery plan. Estimated costs are as identified in the strategy and draft Pebblebed Heaths Visitor Management Plan. They are listed by site, not priority.

Table 7 Measures identified in 5 Yr delivery programme.

Project	Estimated (Strategy) Capital Cost	Revenue Cost
Petalwort monitoring DW	£1,000	-
Artificial Roost study DW	£2,500	-
Artificial Roost creation DW	£15,000	-
Bird hide relocation DW	£50,000	-
Fencing in Bight DW	£2,000	£2,000
Fencing nr 18 th hole/Bight DW	£10,000	£1,000
New visitor centre DW*	£500,000	-
Rationalisation of path network DW	£2,000	£2,000
Banks/Fencing around DW car park	£25,000	-
Audit of information boards DW	£7,500	£750
BBQ byelaw in buffer zone DW	£2,000	-
Review car parking arrangements & charges DW	£?	-
Changes to layout of golf course DW	£5,000	£500
Signage/interp for retailers re: BBQ @ DW	£2,000	£50
Newsletter DW	-	£1,000
Closure of Cockwood Steps EE	£2,000	-
Mamhead slipway signage EE	£7,500	-
Gate slipway in winter Imp Rec Ground EE	£1,000	-
Low fencing/planting around edge of car park & Imp Rec Ground EE	£10,000	£1,000
Dog control order/PSPO to control dogs off leads on mudflats EE	£7,500	-
Signage at Imp Rec re: kite & wind surfing EE	£5,000	£500
Update signage at slipways EE	£40,000	£1,000
Monitoring Dawlish Warren & Exe Estuary	£7,000	£17,250
Codes of conduct PBH	£6,000	-
Signs related to conduct PBH	£3,400	-
Signs directing people PBH	£4,250	-
Interpretation Boards PBH	£54,000	-
Detailed material on web PBH	£5,000	-
Boardwalks/path surfacing PBH	£95,000	-
Dog bin emptying PBH	-	£11,480
Works to car parks PBH	-	£60,000
Gorse management PBH	-	£2,000
Education work with schools PBH	-	£47,500
Monitoring PBH	-	£22,000
Total	£ 871,650.00	£ 168,530.00
		£ 1,040,180.00

10. Year 1 capital & revenue cost (Yrs 1-5) and estimated Year 5 capital & revenue cost:

Table 8. Estimated 5 year cost of 2016 annual business plan and 5 year delivery programme:

Year 1 capital	£78,600
Year 1 revenue (Yrs 1-5)	£552,750.00
5 Year cost (capital)	£871,650.00
5 Year cost (revenue)	£168,530.00
Total estimated 5 Yr Cost*	£1,671,530.00
Total forecast 5 Yr Income**	£2,142,308.11
Current balance after 2016 annual business plan	£257,577.28
5 Yr Balance	£729,355.39

10.1 Some measures in the 5 yr programme also have ongoing revenue costs which will be incurred. The specific amount will depend on the year in which the measure is initiated.

10.2 Detail on the income forecast for 2016-21 is in the 5 year delivery programme report. Forecasts provide a best estimate at the time of writing this report (June 2016).

10.3 S106 obligation pooling restrictions will affect which contributions can be spent on infrastructure & non infrastructure measures.

11. Treasury Management:

11.1 Item 1.5 of the Terms of Reference states the following:

'East Devon District Council will be responsible for holding and administering developer contributions and community infrastructure levy receipts and to provide advice and guidance on all financial matters. Legal advice and guidance will be agreed between the authorities.'

11.2 This approach has been agreed by East Devon District Council as per the minutes of the meeting held on 4 November 2015. However it is not consistent with the Executive Statement of Decisions relating to the meeting held on 8 December 2015 at Teignbridge District Council and 9 February 2016 at Exeter City Council. These both delegate the decision as to how the contributions are held to

the respective S151 Officers (and, at Teignbridge, the Head Solicitor and Portfolio Holder for Planning and Housing).

11.3 To clarify the above, S151 Officers from all 3 authorities are in the process of agreeing the operational process.

11.4 In each case all monies held in relation to habitat mitigation will be held in accordance with the holding authority's Treasury Management Strategy.

12. Perpetuity Funding of Mitigation Delivery

12.1 Section A of the Terms of Reference for the South East Devon Habitat Regulations Executive Committee includes the following delegation of functions:

- *'To include reviews of developer contribution charges in line with inflation /index linking and funding mitigation expenditure in perpetuity.*
- *Establish and maintain a financial model that ensures delivery of mitigation in perpetuity.'*

12.2 Further work is required to develop a model to deliver mitigation funding in perpetuity, an understanding of the regulations and potential models is required and a more detailed assessment of estimated developer contributions. This will be the subject of a future report.

13. Financial Administration of the Scheme by East Devon District Council

13.1 As financial administrator EDDC will invoice Exeter City Council and Teignbridge District Council quarterly in arrears, as a minimum, to cover the costs incurred on behalf of the project. EDDC reserves the right to increase the frequency of invoicing subject to the amount of expenditure incurred. An exercise to agree balances between the parties will be initiated quarterly by EDDC.

Natural England comments:

Natural England notes the projected income and expenditure. Our principle concern is that expenditure, and hence delivery, at the proposed levels can be achieved in order that the current “deficit” in mitigation delivery which has occurred since the JIA first began to collect funds to mitigation, begins to be addressed.

Perpetuity Funding – we would like to suggest that a more detailed paper considering options for funding of mitigation measures “in perpetuity” is brought to the next meeting of this committee.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

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SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Annual Business Plan and 5yr Delivery Programme

Neil Harris, Habitat Regulations Delivery Officer
June 2016

Legal comment/advice:

It is a requirement of the Terms of Reference for this Joint Committee that the HREC approve these two documents at the first meeting. Together these documents set out the basis for delivering the agreed mitigation strategy in the short term (Annual Business Plan) and medium term (5 year Delivery Programme).

Delegated authority is sought to be given to the Habitat Regulations Delivery Officer to pursue delivery of the identified projects, which if given (together with the attached plan / programme being agreed) will allow the projects to be delivered without recourse to the HREC. Reports will be presented at each meeting to detail progress in delivering against the Annual Business Plan. The Habitat Regulations Delivery Officer will not be able to pursue projects which are not in the Business Plan / Delivery Programme or which cost over £50,000 in respect of a single item. In those circumstances it will be a matter for the HREC to approve.

Looking forward, only the HREC can approve the Business Plan (on a yearly basis) or the Delivery Programme (every 5 years). Provided the HREC is satisfied with the intended projects to be delivered through the Business Plan and Delivery Programme then approval should be given to enable mitigation measures to start being delivered.

In approving the Business Plan and Delivery Programme the HREC is only agreeing to the headline principles of the mitigation set out. The HREC is not giving any statutory approvals that may be required – these would need to be dealt with separately. Similarly, some of the measures / projects proposed are likely to require more detailed legal input / consideration and this will be given to the Habitat Regulations Delivery Officer on a project by project basis

Finance comment/advice:

Financial details are outlined in the report. Recommended expenditure is met by contributions received or to be received. The costs associated with the annual business plan can be met from contributions already held, there is a risk however with the 5 year delivery plan that the estimated income levels will not be sufficient to meet the expenditure plans and the report notes the caveats on the income projections. It is advised that the delivery plan is reviewed and updates presented to the Executive Committee to ensure sufficient funds are available to meet the expenditure before it is incurred.

There is a significant issue to address in relation to ensuring there is sufficient funding for mitigation requirements in perpetuity, this needs to be understood more fully and further details presented to the Executive Committee for consideration.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the Executive Committee:

1. Approves the 2016 Annual Business Plan (Appendix 1) and commitments and actions set out therein.
2. Approves the 5Yr Delivery Programme (Appendix 2).
3. Receives a progress update on the delivery of the Annual Business Plan at the next meeting (quarterly basis).

Equalities impact: Low

Risk: High.

If the Annual Business Plan and 5yr Delivery Programme are not approved there is a high risk that the delivery of the South East Devon European Site Mitigation Strategy would be significantly compromised or delayed. This would put the delivery of the partner Authorities' Local Plans at risk due to the legal duties under the Habitat Regulations.

1. Summary

1.1 This paper sets out the principles for the on-site projects which have been recommended as a priority by the Habitat Regulations Delivery Officer, in conjunction with the Officer Working Group. These projects are contained within the attached Appendix 1 as the Annual Business Plan and in Appendix 2 as the 5 Year Delivery Programme.

1.2 It is apparent that in some ways the three European sites have generic needs to secure their protection and future ecological integrity, but in other ways the three are very individual in their needs.

1.3 Changes in recreational use, and the consequential impacts on the European sites in the absence of mitigation, will be gradual. The overall objective of this and all other mitigation strategies in place to deal with recreational impacts is to ensure that whilst the population increases within the catchment of the European sites, the pressure and disturbance levels on the European sites does not increase.

1.4 This does not necessarily mean that the levels of access should not increase, as people are visiting the countryside more and therefore even if the population size was to remain constant, an increase in access levels over time might be expected.

1.5 Whilst some measures will seek to attract recreational pressure away from the European sites, other measures will seek to appropriately manage recreation on the sites, to minimise potential harm to European site interest features.

1.6 The mitigation strategy needs to be both robust enough and flexible enough to address the gradual increase in recreational pressure over time, and on-going review of both the emerging growth and the strategy in place will therefore be necessary.

1.7 Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the European sites will not occur. Mitigation projects should therefore adhere to the following principles:

Necessary: the measures within the strategy should be essential in order to enable planning permission to be granted in light of the requirements of the Habitats Regulations, the Community Infrastructure Levy Regulations and the National Planning Policy Framework (NPPF)

Relevant to planning: the measures should not constitute those which are required irrespective of new growth in order to meet duties relating to the maintenance and restoration of European sites.

Relevant to the development: the strategy should only be applied to developments of a kind, scale and location that have the potential to affect the European sites (alone or in combination with other plans or projects), again in accordance with the Community Infrastructure Levy Regulations and the NPPF.

Effective: the strategy should provide certainty that development can proceed without adverse effects on the European sites arising from recreation. Measures should avoid impacts, or reduce the effects to levels which could not possibly undermine the conservation objectives of the European sites.

Cost efficient: the strategy should be cost effective in terms of management, collection, fund-holding, distribution and accounting. It should seek to put in place measures that are required, but not those that are over and above that which is necessary to give certainty that the European sites will be adequately protected, and not those that deliver other objectives for the local area.

Flexible: the strategy should be robust enough to give certainty that European site interest will be protected, but at the same time flexible enough to be reviewed and modified over time, as may be indicated by monitoring.

1.8 A range of measures are recommended to minimise the potential negative impacts of recreation. These include careful location of development, influencing which sites people visit, where people go within sites and how they visit.

1.9 In addition, a number of measures include the necessary level of monitoring to be certain that measures are working and importantly provide an early trigger for the adaption of the mitigation strategy if any potential issues are highlighted. Monitoring should result in changes to the mitigation strategy prior to any impacts, i.e. the strategy should continue to prevent impacts from occurring.

Natural England comments:

Annual Business Plan - No specific comments

5 year Delivery Programme - No specific comments

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

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Habitat Regulations Executive Committee

Annual Business Plan and 5 Yr Delivery Programme.

Appendix 1: 2016 Annual Business Plan

1. Summary. Table 1 shows mitigation measures recommended for delivery in the 2016 Annual Business Plan. Costs are derived from Strategy and Delivery Officer estimates for capital purchase and ongoing revenue items.

Consideration of the revenue cost implications of the 2016 Annual Business Plan is set out elsewhere, in the Financial and 5 Yr Delivery Programme reports.

Table 1. 2016 Annual Business Plan recommendations.

Measure	Capital cost	Revenue Cost	Total
Exe revised zoning	£5,000	£0	£5,000
Voluntary Exclusion Zone	£2,000	£0	£2,000
Exe codes of conduct	£10,000	£0	£10,000
Pebblebeds codes of conduct	£1,000	£0	£1,000
Patrol boat	£22,600	£7,000	£29,600
Two wardens		£68,000	£68,000
Warden vehicle	£20,000	£2,000	£22,000
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Pebblebeds map	£1,500	£0	£1,500
Pebblebeds monitoring		£2,000	£2,000
Total	£ 78,600	£ 135,670.00	£ 214,270

2. Revised zoning – including establishing a Voluntary Exclusion Zone in the estuary north of Dawlish Warren

2.1 Zoning partitions different types of access, determining the overall distribution of visitors on land and water, in both time and space. Zoning is positive in that it creates dedicated areas for particular activities, rather than limiting access.

2.2 Clubs can address a wide range of issues and adapt quickly to change, particularly where members communicate through forums and electronic discussion rooms. Clubs can provide a means for getting information across and help implement any zoning if they have been involved from the outset.

2.3 There are existing zones for particular activities on the Exe Estuary. There are a number of issues with the current zones:

- They are mapped differently on the web and in various leaflets.
- They are not communicated to users very well. There is little information available as to how and why the zones have been established, meaning users have relatively little understanding of why they are there or why they should abide by them.
- There appears to be relatively little enforcement of the use of particular zones, for example water-skiing frequently takes places in the upper parts of the estuary.
- There are some overlaps with different zones which creates a potential conflict between users.

2.4 Suggested zones are:

- A dedicated kitesurfing/windsurfing zone off the Duck Pond. The appropriate area of eelgrass (zostera) bed should be covered.
- The existing kite/windsurfing voluntary exclusion zone to be reviewed to explore whether it should be discontinued when the dedicated kitesurfing/windsurfing zone is created, or whether the voluntary exclusion zone should be extended to all users.
- The powerboating zone is positioned accordingly to ensure no overlap with the kite/windsurfing voluntary exclusion zone. The use of the powerboating zone should be for the period 1 April to 1 September only.
- The existing waterskiing zone positioned in approximately the same place, slightly modified to fit alongside the kite/windsurfing voluntary exclusion zone.
- Off the Exmouth Seafront a line indicating a western limit for all water sport / personal watercraft / boating activities, ensuring the areas around Dawlish Warren/Warren Point and off-shore are undisturbed.
- A dedicated zone (all year round) for personal watercraft (jet skis) remaining in the current location.

2.5 These zones can be shown clearly on a single map and can be designed so as to provide space for users while also ensuring key areas for birds are outside the zones.

Dawlish Warren

2.6 A voluntary landing zone is currently used at Warren Point to restrict visitors to Soft Sand Bay. The water users' code of practice at Dawlish Warren should be included in the review.

2.7 Voluntary Exclusion Zone in the estuary north of Dawlish Warren

2.7.1 The intertidal area to the North of Dawlish Warren is the most important high-tide roosting site in the Estuary. It is proposed that a Voluntary Exclusion Zone is established in the estuary and covers the intertidal mudflats and saltmarsh owned by the Devon Wildlife Trust.

Map: Indicative Voluntary Exclusion Zones at Dawlish Warren/Exe Estuary (shown in red).



Key

- | | | |
|------------------|--------------------|--|
| Land | Dawlish Warren NNR | Sensitive Area * |
| Settlements | Visitor Centre | * All types of recreational activities must be avoided |
| Inter Tidal Zone | | |
| Tidal Water | | |
| EEMP boundary | | |

Dawlish Warren NNR Sensitive Area

Source: DCG 2014 and OS 2014 background mapping
EEMP 2014 data.

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2.7.2 This area is significant for a high proportion of the Estuary's Brent geese, Oystercatchers, Bar-tailed godwits, Wigeon and Teal in providing both a feeding area at low tide and is of particular importance in providing a high tide roosting area.

2.7.3 The Dawlish Warren SSSI condition assessment carried out by Natural England particularly highlights that bird declines at the Warren may be the cause of declines across the estuary, thus indicating that suitable, good quality high tide roosting sites may be critical to the ecological integrity of the SPA.

2.7.4 Identified in a report by the Exe Estuary Management Partnership, the opportunity exists as part of an overall revision of zones to create a largely undisturbed high tide roost in an area aligned to the boundary of the National Nature Reserve.

2.7.5 Careful consultation with crab tilers and bait diggers will be required. There should be no new crab tiles laid and existing tiles in the existing IFCA exclusion zone should be removed, unless the process of removal is shown to be more damaging to the intertidal area.

2.7.6 Any plan will need to take into account the existence of Eales Dock, which is a small, privately owned dock at the end of Shutterton Creek, on the landward side of the railway. Careful negotiation with the owner will be required in order to ensure that any potential disturbance by water craft launching from here is minimised.

2.7.7 It is proposed that all recreational activity within the Voluntary Exclusion Zone is restricted year-round, with the exception of allowances for water craft accessing Eales Dock (subject to a site specific code of conduct to be agreed with the owner). This will provide a refuge of significant importance for birds against increases in recreational activity.

2.7.8 At all times and as a priority, revised zones must function to serve the protection of SPA features.

2.7.9 Zones to be shown clearly on a single map and be designed so as to provide space for users, while also ensuring key areas for birds are outside the zones. The revised activity zones should be backed up by clear explanations for why they are necessary.

2.7.10 If the budget allows, this should also cover the implementation of a safe, clear, buoyage or other marking system to establish the area visually. Ongoing maintenance costs of the buoys or marking system will need to be taken into consideration in the longer term.

2.7.11 Funding includes requirement for liaison with key stakeholders and implementation of a safe, clear buoyage or other marking system to establish the area visually.

2.7.12 After the zones have been established, close monitoring will be required to see if they are working. If monitoring shows they are not effective, zones protected by statutory legislation is recommended.

Proposed spend:

Up to £5,000 for the Exe Estuary Management Partnership to revise zones for water activities on the Exe (to include officer time, definitive GIS map, buoy markers on the estuary and a written report detailing the zones and suggestions for monitoring their effectiveness).

Up to £2,000 for the Exe Estuary Management Partnership to establish a Voluntary Exclusion Zone to the north of Dawlish Warren aligned to the NNR boundary.

3. Improved codes of conduct for specific user groups

3.1 Codes of conduct set out clearly how users undertaking a particular activity should behave, and are most relevant to sporting activities, including water sports. Developing good, clear codes with user groups ensures that safety issues, consideration of other users and nature conservation issues can be accommodated.

3.2 Codes of conduct are particularly relevant where there are a wide range of users, potentially not linked to a particular club, and a range of complicated issues, or where multiple activities overlap. A code of conduct serves to set out where there are particular issues and provides the user with all the information they need to undertake their chosen activity safely, within the law and without creating conflict with others.

3.3 Codes are likely to be most effective where they are developed with stakeholders and are not overly restrictive. In reviewing the existing codes of conduct for the Exe Estuary, there is a clear opportunity to produce a new and updated set of codes.

3.4 Codes will need to be clearly set out, available through local clubs, incorporated into club websites, circulated to all relevant forums/new members of clubs, etc and set out on signs and other material (e.g. leaflets) as necessary.

3.5 Codes should cover the following activities:

Kite/windsurfing

Jet skiing/personal water craft use

Sailing

Powerboating

Waterskiing/wakeboarding

Canoeing

Crab tiling

Bait digging and cockle raking

Dog walking

3.6 A general code of conduct for all users should also accompany the above, and provide further general guidance such as avoiding putting birds to flight, avoiding activities (1 September - 1 April) around the shore/foreshore that will cause disturbance, such as kite flying, model aircraft flying and driving on the foreshore.

3.7 After the codes of conduct are developed they should be closely monitored to ensure they are working. Once the codes are completed, and alongside the monitoring data, it should be possible to review the byelaws and ensure a mechanism is in place for the codes of conduct to be enforced.

3.8 A set of codes of conduct for Dawlish Warren is currently published on the internet. It is proposed to create a single, specific code of conduct for the reserve and increase the prominence of this information with the aim of increasing visitors' awareness of the vulnerability of the site and the measures they are personally responsible for to help safeguard it. The code will:

- Highlight areas where particular activities are/are not permitted (e.g. dogs off leads)
- Highlight activities which are not permitted (e.g. barbeques)
- Explain temporally variable requests (e.g. avoiding walking the shoreline at high tide)
- Include specific requirements such as not feeding livestock and not leaving litter

3.9 Sufficient information should be included within the code for visitors to be able to understand the requirements. Written in a friendly style, and briefly explaining the reason behind each point, the code of conduct is to be included on interpretation panels, the website, in the reserve leaflet, and in the proposed Dawlish Warren newsletter as a reminder for regular users.

3.10 It will also be made available on the Explorer water taxis that run trips to Warren Point in the summer to ensure that visitors who may not reach the visitor centre are aware of it.

3.11 This measure requires close liaison with local clubs for all main activities on the Exe, Teignbridge District Council Countryside Rangers and the Devon Wildlife Trust, design work for producing leaflets (final design to be agreed with Officer Working Group), ensuring revised zones are included; a final print run of codes and incorporation on the Exe Estuary Management Partnership and proposed dog project websites.

4. Pebblebed Heaths

4.1 In line with the above a code of conduct for dog walkers, cyclists and horse riders on the Pebblebed Heaths would also be effective. For dog walkers, such a code should require dogs to be on leads or under close control between 1 March and 31 July, and require users to always pick up, and should give the reasons for this. The code will explain how loose dogs can cause disturbance or predation to wildlife. Messages should be consistent across sites and also link to the dog project.

4.2 A code for horse riders and cyclists should include a map showing the official bridleways and any permissive routes and explain the reasons for asking users to stick to the defined routes, including disturbance to wildlife and soil erosion and compaction. The wording/style should match the codes for the other two sites.

4.3 Monitoring of behaviour should take place after the codes are established and byelaws and zones should also be revised to ensure they fit together.

4.4 The Delivery Officer will work with Clinton Devon Estates, the RSPB and the Devon Wildlife Trust to initiate work on codes of conduct for the Pebblebed Heaths. To include codes for dog walkers, cyclists and horse riders, as well as a general code to include mention of specific specialist activities.

Proposed spend:

Up to £10,000 for the Exe Estuary Management Partnership to produce revised codes of conduct for the Exe Estuary and Dawlish Warren. The Exe Estuary Officer to work closely with the Delivery Officer to produce codes as outlined in this report, which together form a pack.

Up to £1,000 for the Delivery Officer to arrange initial consultation and content of codes of conduct for the Pebblebed Heaths.

5. Purchase and run a new patrol boat

5.1 Although a byelaw relating to speed restrictions is in place, it is not an easy task to enforce on the Exe Estuary. One way of enforcing the speed restrictions is through the use of the patrol boat. There is an Exeter City Council Harbour Patrol Boat which was crewed by the police. In more recent years it has been operated by volunteers (during the summer) who take on the role as Harbour Authority Officials.

5.2 Ensuring people remain within the speed limit and are following agreed codes of conduct will form a key element of any long-term strategy to reduce disturbance on the Exe Estuary. The patrol boat is a necessary element within this and as such will need to be operational regularly during the winter. An up-to date, fast and well-equipped patrol boat is now required, with an appropriate level of staff resources made available. Increasing the time the patrol boat is on the water and ensuring the

boat crew have the power to enforce bylaws is an element of the strategy that can be established reasonably quickly and simply.

5.3 The patrol boat should therefore be operational through the winter, and be responsive to weather conditions (i.e. able to go out when the estuary is likely to be busy or particular activities are taking place). It should be able to patrol the entire estuary, have the power to enforce, and in particular be able to focus on:

- Ensuring all craft within the estuary remain within the speed limit
- Personal watercraft users, kitesurfers and windsurfers are following agreed codes of conduct
- Particular activities are taking place within designated zones
- Providing a clear presence that may deter particularly anti-social or unusual events that may have particular disturbance implications, such as hovercraft use, testing of model planes, etc

5.4 The mitigation strategy proposal coincides with Exeter City Council reviewing their role as the Harbour Authority and identifying the requirement for a new Patrol Boat to perform these duties.

5.5 There are clear advantages to obtaining one Patrol Boat which is able to perform a number of functions, year-round. However, very careful planning and agreement will be needed to ensure that the Boat meets both its mitigation and harbour authority functions.

5.6 In a Habitat Regulations context, the Patrol Boat is necessary to protect the features of the Exe Estuary SPA and Dawlish Warren SAC. Therefore it is proposed that the Patrol Boat will be staffed by the wardens recommended elsewhere in this report, through the autumn and winter months (Sep-Mar), with flexible, cross-over working in April, July and August.

5.7 A separate Patrol Boat team, staffed by the Harbour Authority, will be required in order to carry out HA functions from May until September. It is not considered an appropriate use of the role of mitigation wardens to carry out these functions as they will have other duties on the Pebblebed Heaths during these months. There will be certain functions, such as enforcing the speed limit byelaw, which will fulfil Harbour Authority and mitigation strategy requirements.

5.8 It has become clear through research that the estimated cost of a Patrol Boat at £22,600 as detailed in the Strategy is sufficient to fund the capital purchase costs, if additional funding is secured from other partners.

5.9 A total budget of approximately £30,000 has potentially been identified, which will enable a used boat to be purchased. This will enable the purchase of a Rigid Inflatable Boat (RIB) equipped with a cabin for weather protection, VHF radio, GPS, outboard petrol engine (and auxiliary) and "A" frame with lights.

5.10 There remains a level of uncertainty about whether the patrol boat should be part funded to include a Harbour Authority capability. Due to the need to implement mitigation in a timely manner, it is suggested that a deadline of 31st August 2016 is appropriate to maintain. This will allow sufficient time for procuring a second-hand patrol boat in due time for the Wardens to use when they are recruited.

5.11 Additional joint funding may be provided by East Devon District Council and Exeter City Council. The same Councils may also provide £5000 each towards revenue costs for Harbour Authority use of the boat.

5.12 Ownership of the Patrol Boat should be shared according to the proportion of funding provided for initial capital purchase. A legally binding agreement, signed by all authorities, relating to use of the boat in perpetuity for mitigation purposes (as outlined above) will be completed before operational use of the boat.

5.13 In order to enable mitigation to proceed in a timely fashion, the Delivery Officer will make arrangements for purchase of the boat solely from developer contributions if talks to jointly fund the boat are delayed beyond 31st August 2016.

Proposed spend:

Up to £22,600 towards purchasing a new patrol boat.

Up to £7,000 per year towards revenue costs related to use of the boat for mitigation purposes (including mooring, fuel, insurance, PPE, training for crew).

6. Two Wardens

6.1 Many sites have wardens who fulfil a range of roles, including interacting with the public and education. Such wardens can work both on-site and off-site, playing an outreach role (e.g. undertaking visits to schools and liaising with local communities).

Exe Estuary

6.2 There is scope for wardens to communicate directly with users during the autumn, winter and spring. It is recommended that the post holders are therefore mobile, moving around the estuary, talking to kitesurfers and windsurfers in suitable wind conditions and during low tide conditions meeting and talking to dog walkers, for example at the Duck Pond in Exmouth.

6.3 Such posts should have a clear, recognisable presence around the estuary – including a vehicle with clear logos and local authority branding. The post-holders would also work as a team of 2 to run the Patrol Boat when required.

Dawlish Warren

6.4 The site currently has three full time wardens, who work on a rota at weekends. Due to the geography of the site and number of visitors, much of their time is taken up redirecting visitors who have strayed into vulnerable areas, preventing barbeques, and dealing with inappropriate landing at Warren Point. This significant work load reduces the wardens' capacity to carry out proactive visitor engagement (and practical management work).

6.5 The recommended warden posts need to fit with – and compliment – the existing warden team at Dawlish Warren. This should include wardening at weekends and undertaking visitor events during the week, plus liaison with the local community.

Pebblebed Heaths

6.6 Given the size of the Pebblebed Heaths, additional wardening is a powerful way of mitigating impacts, particularly with staff having specific responsibilities for visitor management and local community liaison. Such warden roles would be particularly important during the bird breeding season and when fires were a risk, and therefore would neatly complement the requirements for on-site wardening on the Exe Estuary and at Dawlish Warren.

6.7 As with Dawlish Warren, whilst focused on the Pebblebed Heaths, the Wardens should work very closely with the local landowners, with Clinton Devon Estates having an input into the day-day work of the post-holders.

6.8 In combination with the patrol boat, Wardens will also have a policing role, so that they can respond to persistent offenders and problem individuals and enforce byelaws across the 3 European sites.

6.9 The warden posts will have a remit for public engagement and providing an onsite presence, with the post-holders predominantly based on the Pebblebed Heaths in Spring & Summer and at Dawlish Warren and the Exe Estuary during Autumn & Winter. There is a clear requirement for both posts to dovetail, ensuring there is cover at weekends and during holiday periods, as well as satisfying Health and Safety requirements regarding enforcement and operating the Patrol Boat.

6.10 To achieve maximum effectiveness across the European sites, the Wardens will require cross-warranted powers to be able to enforce byelaws regardless of Authority boundaries. It is also recommended that the Wardens undergo training under the Community Safety Accreditation Scheme (CSAS) which would give them the same powers as Police constables to request a name and address.

6.11 Timetabling of Warden tasks will be agreed and finalised with key stakeholders if funding is authorised by the Executive Committee. Key stakeholders are NE, ECC, EDDC, TDC, RSPB, Clinton Devon Estates and DWT.

7. Warden Vehicle

7.1 As recommended above, the Wardens will require a vehicle to move from site to site which will have clear branding and will demonstrate the presence of staff onsite. It is recommended that the vehicle is a 4x4 so that it can be loaded with equipment for public engagement (signs, gazebos etc) and able to negotiate all terrain during wet weather.

7.2 It is also recommended that the vehicle is purchased outright rather than leased as comparative research shows that a 5 year vehicle lease is equivalent to the cost of outright purchase.

7.3 Research with workshop mechanics at Teignbridge District Council reveals that a period of 10years will be sufficient before the costs of repair (especially to the engine) begin to outweigh the benefits of maintaining the vehicles.

7.4 In relation to 7.3 (above), capital replacement of the vehicle/s should be funded every 10 years (or according to the state of repair of the vehicle) and incorporated into future plans and programmes.

Proposed spend:

Up to £68,000 annually for two mitigation Wardens, employed by East Devon District Council and hosted by the Countryside team on initial 3 year fixed term contracts, based on a Grade 5 Salary (to include salary, NI, pension, travel & other expenses, IT, HR and Payroll recharges).

Up to £20,000 for the outright purchase of a 4x4 vehicle (Ford Ranger or similar) for explicit use of the mitigation wardens – Mitsubishi L200 or similar.

Up to £2,000 per year towards warden vehicle revenue costs such as fuel, tax, insurance and servicing.

Proposed action:

That the Executive Committee instruct Legal departments of the three Councils to enable Wardens to be cross-warranted. This will enable them to enforce byelaws across the 3 European Protected Sites.

8. Dog project

8.1 Run by the Urban Heaths Partnership, there is an existing mitigation project called Dorset Dogs. This project has established a free, membership based community of dog walkers. Nationally recognised for its success in reinforcing positive messages about responsible dog behaviour in the countryside, it includes a users' website which provides useful information about dog walking and codes of conduct and also highlights places to walk, indicating which sites require dogs to be on a lead and when.

8.2 Membership is free and members gain information, free gifts (dog tags, dog bags, stickers, etc) and access to information such as directories of local vets, etc. Such an approach provides a means of establishing positive communication with local dog walkers and enables direct contact with dog walkers and offers information – for example when livestock are present on sites or there are other issues which may mean dog walkers should avoid a particular area.

8.3 Promoted sites for dog walking could include SANGs. The project would require a web presence and on-site events. On-site events will involve a gazebo or similar structure that could be set up on local sites and allow direct contact with local dog walkers.

8.4 The face-to-face contact will provide a means of engaging with local walkers, quickly building membership and interest in the project as a means of disseminating literature. The Dorset Dog project provides an excellent example of best practice and as an on-going project is continually refined to improve its effectiveness and join up.

8.5 Advice from the Urban Heaths Partnership is that a dedicated project officer is critical to the successful implementation of the scheme. Their officer currently works part time and is responsible for web updates, public engagement events (on European sites and SANGS) and administering membership.

Proposed spend:

Up to £12,000 to initiate a dog project for the wider area encompassing the Exe Estuary, Pebblebed Heaths and Dawlish Warren.

Up to £22,000 per year (pro rata) for a 3 year fixed-term, part-time (18.5hrs/wk) position hosted by East Devon District Council, to drive forwards the implementation of the dog project.

9. Petalwort translocation & monitoring at Dawlish Warren.

9.1 Petalwort is a small, pale green plant which is one of the special interest features for which Dawlish Warren Special Area of Conservation is designated. It is nationally scarce in the UK, being widely but sparsely distributed.

9.2 Proposed managed coastal realignment work at Dawlish Warren by the Environment Agency is likely to allow a dynamic dune system to redevelop. As Petalwort at Dawlish Warren is dependent on artificial materials influencing the acidity of the substrate, it is not necessarily the case that any new dune habitat that develops will be suitable for Petalwort.

9.3 If the beach rolls back, one of the current dune features where Petalwort is found may become inundated with seawater, destroying the existing population and decreasing the chance of natural regeneration through spore dispersal. Changes in the area of dune grassland available to visitors and access patterns to the beach may result in increased trampling pressure at the remaining Petalwort location.

9.4 An increase in visitor pressure due to increased housing may contribute to detrimental over-trampling at this site, particularly if changes due to coastal realignment cause changes in access patterns.

9.5 A suitable monitoring methodology is currently being investigated for Petalwort at Dawlish Warren. This needs to be finalised and implemented with some urgency, so that baseline monitoring can be put in place to monitor the perceived decline.

9.6 Rangers at the Warren have already undertaken some experimental translocations of Petalwort to areas most likely to be protected from any inundation by the sea. Therefore, this part of the project as recommended in the strategy has already been delivered, at no cost to the mitigation fund.

9.7 However, the requirement for monitoring the success or failure of the translocations still remains, in order that the conditions for ongoing survival of the plant can be more fully understood and maintained.

Proposed spend:

Up to £1,000 every 3 years to employ a specialist consultant/botanist to monitor the success or failure of translocated Petalwort at Dawlish Warren.

10. Habitat Regulations Delivery Officer

10.1 The Strategy recommends that the most cost-effective and coherent approach to achieving regular contact with local clubs is for there to be a dedicated delivery officer employed with an 'overarching' role to establish many of the projects and work threads.

10.2 The current Delivery Officer has been in post since May 2015. The post is largely office based and is overseeing a range of the recommendations set out in this report, such as the significant elements of the mitigation that are initially required. Work streams to date have included close liaison with local authority staff, administering and organising the formation of the Executive Committee, collating financial information from the three Councils, organising meetings of the Officer Working Group and prioritising mitigation projects.

10.3 The strategy recommends that the delivery officer post is required for a fixed period and then subject to review. The current contract runs until spring 2018.

10.4 The Delivery Officer will commission specialist additional input/help as required and is being hosted by East Devon District Council, as much of the workload involves close liaison with local authority staff.

10.5 The post-holder is working closely with the Exe Estuary Management Partnership, Clinton Devon Estates, RSPB, DWT, National Trust, local authorities and Natural England. Future contact with landowners and local businesses will be sought.

10.6 With the Pebblebed Heaths the Delivery Officer will also continue existing contacts with the model aircraft club and Marines. It is recommended that contact with horse riding and mountain biking groups is established in order to facilitate the exchange of relevant information and increased understanding of each party's interests.

Proposed spend:

Up to £40,000 per year towards employment costs (to include salary, NI, pension, travel & other expenses, IT, HR and Payroll recharges) for the Delivery Officer.

11. Dog bins on the Pebblebed Heaths

11.1 Dog bins as mitigation relate to impacts from dog fouling adversely changing heathland soil conditions and are particularly relevant to the SAC interest. The provision of more dog bins would provide an indication to visitors that visitors are expected to pick-up and helps to generate a sense that the site is being looked after (assuming bins are emptied regularly). It is important that the bins are well maintained and carefully sited, ideally at locations where they are passed by dog walkers.

Proposed spend:

Up to £3,500 to purchase and install 7 new dog bins for car parks on the Pebblebed Heaths.

Up to £2,870 for the annual cost of emptying of the 7 new dog bins.

12. Map highlighting sensitive areas on the Pebblebed Heaths

12.1 Visitor survey results and discussion with stakeholders and site managers indicates that some visitors do get lost and have difficulty finding their way around. Dedicated routes and way marking are also discussed in the draft Visitor Management Plan. Alongside the creation of dedicated routes and way marking, maps are necessary.

12.2 Such maps would be of a standard that allows new visitors to find their way around and locate key features. The maps would show sensitive areas to avoid (i.e. key areas of dry heath for breeding birds) and the recommended routes. The design should be such that the maps work within codes of conduct, on interpretation and on the internet, and ideally work at different scales, such that it is possible to view the Pebblebeds as a whole, and also work as maps for individual commons.

Proposed spend:

Up to £1,500 for an overview map of the Pebblebed Heaths and a series of 'sub' maps.

13. Monitoring on the Pebblebed Heaths

The (draft) visitor management plan recommends the following monitoring:

13.1 Birds: While some bird data are collected annually, there is not always coverage across all the Pebblebed Heaths and the data are not necessarily combined into a single GIS layer covering the SPA. Monitoring every three years should ensure such data are collected and systematically mapped.

13.2 Visitor numbers: Car park counts should be undertaken regularly covering all the parking locations across the Pebblebeds. Counts should encompass a range of times of day, types of day (weekend, weekdays and bank holidays) and different times of year.

13.2 Erosion and path width: Fixed point photography and measurement of path width (bare ground) at set locations would help inform where (and when) path surfacing might be required.

13.3 Warden time and effort: A log should be maintained of how much time wardens spend at which locations and it should record details of the number of people spoken to/engaged with and details of the interaction.

13.4 Visitor interviews: further visitor survey work would provide the opportunity to check on how well different measures are working. More detailed questions relating to whether the interviewee has encountered a warden, seen particular signs etc. should be included.

Proposed spend:

Up to £2,000 to fund monitoring to establish baseline information on the populations of key species and/or levels of path erosion across the Pebblebed Heaths.

**Neil Harris
Habitat Regulations Delivery Officer**

**South East Devon
Habitat Regulations
Executive Committee
June 2016**

Habitat Regulations Executive Committee

Annual Business Plan and 5 Yr Delivery Programme

Appendix 2 – Five Year Delivery Programme 2017-21

1. This report begins by setting out the balance of receipts after allowing for all on-site mitigation measures recommended in the 2016 Annual Business Plan. Thereafter, the ongoing (revenue) costs of on-site mitigation measures in the 2016 Annual Business Plan are calculated and thereafter incorporated into respective tables.

1.1 The report also details the income from developer contributions for Habitat Regulations, forecast for the financial period 2016-21.

1.2 Using the balance of receipts and income forecasts, on site measures from the South East Devon European Site Mitigation Strategy (June 2014) are allocated according to the available budget, scoring criteria previously agreed by the Officer Working Group, logical progression of related measures and delivery timescales recommended in the Strategy.

1.3 Tables 4, 6, 7 & 8 allocate measures to each site (and cross-site), according to priority scores, recommended Strategy timeframes and income forecasts. Therefore, measures as listed in these tables form the 5 Year Delivery Programme recommendations.

1.3 Developer contributions are made under various charging schedules, via S106 obligations and the Community Infrastructure Levy (CIL). The Joint Interim Approach (JIA) charging schedule covers the period of time over which developer contributions were charged at a standard £350 per dwelling in each authority area.

This was:

15th Dec 2008 until 1st Aug 2014 at Teignbridge District Council (TDC);
1st Nov 2011 until 1st Aug 2014 at Exeter City Council (ECC); and
1st Nov 2011 until 1st Aug 2014 at East Devon District Council (EDDC).

1.4 From 1st Aug 2014, informed by housing and mitigation cost estimates in the Strategy, a new charging schedule was implemented. This is the current Joint Approach.

1.5 The Joint Approach requires specific financial sums for mitigation measures, based on a 10km zone of influence, cost estimates of mitigation measures on each European protected site, cost estimates of providing and managing Suitable Alternative Natural Green Space (SANGS), cost estimates of monitoring and cost estimates of “cross site” measures which benefit all of the three sites.

1.6 Many of the S106 obligations contain specific wording which indicate where the contribution must be spent. For example, TDC’s standard wording reads “to mitigate the impact of the development on Dawlish Warren and the Exe Estuary”. Similar wording exists for Exeter and East Devon.

1.7 To ensure that this wording is adhered to, the 5yr programme is split according to the measures recommended for each of the European protected sites. The JIA contributions are S106 obligations and unilateral undertakings.

1.8 JIA charges were based on mitigating the impact of development on Dawlish Warren and the Exe Estuary and therefore could justifiably be spent on measures on those sites, as well as measures which benefit all of the sites. It would not be considered justifiable to spend JIA contributions on measures specific to the Pebblebed Heaths as these measures did not form part of the considerations (or S106 wording) during this period.

Table 1. Current balance less Yr 1 estimated expenditure:

Balance of contributions per charging zone/period after 2016 Annual Business Plan (Yr 1) expenditure:

Charging zone/period	Current balance	Less Yr 1 expenditure	Balance
JIA On site	£323,699.31	£187,400 (projects)	£136,299.31
Dawlish Warren On site	£113,175.85	£1,000 (Petalwort)	£112,175.85
Exe Estuary On site	£23,916.58	£5,000 (Zoning) £10,000 (Codes) £ 15,000 (total)	£8,916.58
Pebblebed Heaths On site	£11,055.54	£6,370 (Dog bins) £1,500 (map) £1,000 (codes of conduct) £2000 (monitoring) £ 10,870 (total)	£185.54
Total	£471,847.28	£214,270.00	£257,577.28

Table 2. Annual Business Plan revenue cost over 5 years

Revenue cost of mitigation projects recommended for delivery in the 2016 Annual Business Plan, over a 5 year period.

Project	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Two Wardens	£68,000	£68,000	£68,000	£68,000	£68,000	£340,000
Dog project (Officer)	£13,800	£13,800	£13,800	£0	£0	£41,400
Dog Project	£0 (covered by capital cost)	£2,000	£2,000	£2,000	£2,000	£8,000
Patrol Boat	£7,000	£7,000	£7,000	£7,000	£7,000	£35,000
Delivery Officer	£40,000	£40,000	£0	£0	£0	£80,000
Warden vehicle	£2,000	£2,000	£2,000	£2,000	£2,000	£10,000
Dog bins Pebblebeds	£2,870	£2,870	£2,870	£2,870	£2,870	£14,350
Monitoring Pebblebeds	£2,000	£4,000	£4,000	£4,000	£10,000	£24,000
Petalwort monitoring	£0	£0	£1000	£0	£0	£1000
Total	£135,670	£139,670	£100,670	£85,870	£91,870	£552,750

Table 3. Five year forecast of Habitat Regulations developer contributions:

Income from all developer contributions across the three authorities, forecasted from 2016 until the end of the 2020 financial year, arranged into on site and SANGS totals (excludes contributions already collected).

- It does not include “windfall” projections (unexpected housing development not part of Local Plan allocations).
- CIL income forecast for SANGS at TDC is currently unavailable (forecasting work currently in progress).
- Forecasts do not include amounts relating to SANGS proposals as reported in SANGS Appendix 1 (Part B).
- Careful attention should be paid to the caveats and assumptions upon which these forecasts are made, detailed in the following section.

JOINT	2016-17	2017-18	2018-19	2019-20	2020-21	Total
JIA	£ 117,756.86	£ 271,500.00	£ 121,200.00	£ 60,000.00	£ 156,900.00	£ 727,356.86
Warren	£ 37,312.00	£ 77,400.00	£ 105,600.00	£ 70,400.00	£ 98,560.00	£ 389,272.00
Exe	£ 35,357.22	£ 63,513.00	£ 106,212.00	£105,069.00	£ 123,915.00	£ 434,066.22
Pebblebeds	£ 26,193.94	£ 75,990.00	£ 120,243.00	£104,151.00	£ 128,736.00	£ 455,313.94
SANGS	£ 163,930.95	£ 255,807.00	£ 482,061.00	£364,029.00	£ 439,527.00	£ 1,705,354.95
Total	£ 380,550.97	£ 744,210.00	£ 935,316.00	£703,649.00	£ 947,638.00	£ 3,711,363.97

It is important to note the following caveats and assumptions relating to the forecast of housing completions across the region:

We certainly should not rely on getting income in the timescales set out in Table 3. It is a best estimate of net housing projections based on the information currently available. Figures in reality may be much lower or higher in any given year.

Assumptions (EDDC)

- It is based on draft net housing projections from a base date of 30 September 2015 which are likely to change before publication
- It includes dwellings with planning permission and not yet completed, sites with a resolution to grant permission/acknowledged development potential and allocations as at 30 September 2015. It does not include any future windfalls which would be in addition.
- It is based on a housing monitoring spreadsheet. This groups permissions on the same site (be they separate/related or replacement/resubmission applications) to help make monitoring easier. Only the date of the latest planning permission decision is recorded so potentially this is catching sites that were permitted without Hab Regs contribution requirements from previous years.
- It assumes all contributions are paid when each dwelling is completed. In reality the majority so far have been required prior to first occupation of a site as a whole. To try to apply estimates of site occupation would make modelling much more unreliable.
- It assumes that all development which has already been completed and was liable to pay has done so. In reality there are a lot of contributions which remain outstanding for one reason or another.
- Sites which gained permission between 01/11/2011 and 31/07/2014 that fall within the Exe Estuary area are assumed to all be paying £350 per dwelling
- Sites which gained or will gain permission from 01/08/2014 onwards are assumed to all be paying the following amounts either via S106 or “top-sliced” (prioritised) from CIL:
 - Exe Estuary only - £600 per dwelling
 - Pebblebed Heaths only - £626 per dwelling
 - Both - £749 per dwelling
- Cranbrook 587 permission is required to pay towards both in specific instalments and these are assumed to be £85,000 in 2016/17 and £119,000 in 2018/19.
- Permissions have not been spatially mapped. Parishes where the whole administrative area falls within a single charging zone are easy but plenty fall across one or more charging zones or none at all. In these cases I’ve tried to be as accurate as possible without going into the detail of every site.
- It is presumed that when CIL is charged, the same costs per dwelling will continue.
- CIL will be payable in set phased payments. This presents many difficulties in modelling at present, so the forecast is made on the assumption that each dwelling pays when it is completed.

- All of the Cranbrook expansion areas are assumed to be within the “both” charging zone. In fact part of the eastern expansion area is in just the Pebblebeds area but it is not currently possible to determine how many dwellings this would equate to.

Caveats (ECC)

- Emphasis that this is an initial assessment. It should be regarded as an early ‘ball park figure’, and not an accurate prediction.
- The method used to forecasting is systematic, based on available evidence and Council policy. However, forecasting the quantum of CIL eligible dwellings and particularly the timing of ‘date of commencement’ of the development permitted and hence the level of CIL income received in the 5 years is surrounded by considerable uncertainty.
- Exeter City Council is at an early stage of introducing CIL charging and is developing an understanding and evidential base for monitoring and forecasting. CIL income from “brownfield” (land previously in industrial or commercial use) site development is particularly difficult to forecast and is not expected to deliver a high proportion of CIL income despite the total amount of future development forecast given within the City on brownfield sites. Consequently, the principal supply of CIL eligible housing where receipts are anticipated in the next 5 years are in the South and East Zones where strategic greenfield sites are allocated (some have permissions).
- Forecasting annual receipts of income adds another level of uncertainty into the assessment. The forecasts are highly sensitive to the assumption about the ‘date of commencement’ set out on the ‘commencement notice’ and subsequent ‘CIL demand’ and payments. We allow payment by instalments where the total CIL liability of a development is £50,000 or more. This facility is only available where someone has assumed liability to pay, and notice of commencement has been given to us before development starts. Failure to comply with the CIL instalment policy at any stage will result in the total unpaid balance becoming payable immediately

2. Five Year Delivery Plan 2017-2021 – Joint Interim Approach

2.1 Teignbridge District Council is the first of the three partners to have introduced developer contributions for Habitat Regulations. Preliminary research at the time was based on calculations and formulae relating to operational cost of access and monitoring management plus a contribution towards provision of new public open space.

2.2 This suggested a generic split of £50 towards what was, in effect, early consideration of SANGS type provision and £300 towards on site mitigation projects, which was maintained throughout the Joint Interim Approach (JIA) charging period. The Strategy recommended increased charges based on more accurate cost estimates, which were subsequently adopted in August 2014 (Joint Approach).

2.3 The income forecast for JIA funds (5 years 2016-2021) are shown in Table 4 below. Some of the funds collected to date have pay-back deadline clauses and were also collected first. For this reason and to demonstrate good practise, it is recommend that these funds are prioritised for initial spend in the 2016 Annual Business Plan (Yr1) and the five year delivery programme.

2.4 As mentioned (1.6-1.8), there are many S106 obligations in the JIA funds which have specific wording in order to relate the Habitat Regulations charges directly to each development. For example TDC's standard wording reads "to mitigate the impact of the development on Dawlish Warren and the Exe Estuary". Similar wording exists for Exeter and East Devon. Therefore, site specific projects need to be funded according to the wording in each specific obligation.

2.5 However, "cross-site" projects such as the wardens, patrol boat and dog project deliver benefit to each protected site and therefore can justifiably be funded from the JIA funds without contradicting the wording of the obligations.

2.6 In consultation with the Officer Working Group, mitigation projects have been prioritised according to criteria previously agreed by the group. These criteria are designed to ensure delivery of the most effective mitigation measures.

2.7 Balances remaining after allowing for the 2016 Annual Business Plan are shown in Table 4. These balances are carried over to the start of Year 2, a process repeated yearly.

2.8 Using these scores and the income forecast, the revenue cost for cross site projects during the 5 year period 2017-2021 is shown in Table 4.

2.9 There is sufficient income forecast in the 2017 financial year to agree in principle a contribution of £200,000 towards the Dawlish Warren Visitor Centre (assuming a build date of summer 2018). Indications are that there will be sufficient income in 2018 to agree in principle to a further £50,000. However, implications are that this would leave only a small budget surplus for contingency in years 2018-21.

2.10 However, as previously mentioned, cross-site measures benefit each of the protected sites. To reflect this, the current Joint Approach charging schedules include an element relating to an equal share of the cross-site measures cost (as recommended in the Strategy). Therefore, any (or all) of the cross-site projects could justifiably be paid for from funds allocated specifically to the zones as well, to cover any potential deficit.

2.11 It can be seen in Table 6 (Dawlish Warren forecast) and Table 11 (Pebblebed Heaths forecast) that both of the funds for these zones are forecast to run a “surplus” in relation to the projects allocated to them for Years 4-6. Therefore, whilst bearing in mind the necessity of allowing for contributions to an in-perpetuity endowment investment scheme, these funds could also be allocated to any (or all) of the cross-site measures.

2.12 The forecast also indicates that important measures such as updating all signage on public slipways and works at the Imperial Recreation Ground can be covered by JIA contributions. This enables other measures such as new interpretation, byelaw revision and dog control orders (or other relevant legislation) to be implemented using Exe-specific funding (see 6.0 and Table 10).

Table 4 shows income from the Joint Interim Approach developer contributions across the three authorities, forecasted from 2016 until the end of the 2020 financial year. It is recommended that the revenue cost of cross-site projects initiated in the Annual Business Plan is allocated to these funds.

Joint Interim Approach (On site)	Year 2 2017-18 (16-17 income)	Year 3 2018-19 (17-18 income)	Year 4 2019-20 (18-19 income)	Year 5 2020-21 (19-20 income)	Year 6 2021-22 (20-21 income)	Total 5 Yr (2016-21) Income
Income	£ 117,756.86	£ 271,500.00	£ 121,200.00	£ 60,000.00	£ 156,900.00	£ 863,656.17
Carried forward	£ 136,299.31	£ 78,256.17	£ 23,956.17	£ 23,156.17	£ 11,156.17	
Total (Start of Year balance)	£ 254,056.17	£ 349,756.17	£ 145,156.17	£ 83,156.17	£ 168,056.17	
Expenditure						Total 5Yr Expenditure
Two wardens	£ 68,000.00	£ 68,000.00	£ 68,000.00	£ 68,000.00	£ 68,000.00	£ 340,000.00
Warden vehicle	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 10,000.00
Dog project (Officer)	£ 13,800.00	£ 13,800.00	£ -	£ -	£ -	£ 27,600.00
Dog project	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 10,000.00
Delivery Officer	£ 40,000.00	£ 40,000.00				£ 80,000.00
Exe Estuary slipway signage	£ 40,000.00					£ 40,000.00
IRG planting/gate	£ 10,000.00					£ 10,000.00
DW Visitor Centre		£ 200,000.00	£ 50,000.00			£ 250,000.00
Total Expenditure	£ 175,800.00	£ 325,800.00	£ 122,000.00	£ 72,000.00	£ 72,000.00	£ 767,600.00
Carried forward	£ 78,256.17	£ 23,956.17	£ 23,156.17	£ 11,156.17	£ 96,056.17	£ 96,056.17

3. Dawlish Warren

3.1 The zone of influence for the Warren lies wholly within the boundaries of Teignbridge. The income forecast is made up of anticipated developer contributions for those mitigation projects considered to be non-infrastructure (such as the wardens, dog project, monitoring, codes of conduct etc), therefore not subject to pooling restrictions, collected through S106 obligations.

3.2 Mitigation projects considered to be infrastructure such as SANGS, the Dawlish Warren Visitor Centre and the Roost Creation Project are collected through CIL. Forecasts of the CIL contribution to these projects is underway and will be incorporated to future financial reports to the Committee as a priority. Therefore, Table 6 shows only forecast information relating to S106 obligations.

3.3 The S106 per dwelling contribution is currently £800, with £704 relating to site specific projects at Dawlish Warren and £96 relating to site specific projects for the Exe Estuary, as shown in **Table 5**, below:

Table 5: Calculation of developer contribution to Dawlish Warren and Exe zone

Site	Exe Estuary	Dawlish Warren
Cross site measures	£1,995,167	£1,995,167
On-site mitigation	£634,500	£79,000
Monitoring	£155,667	£242,333
Total	£2,785,334	£2,316,500
Number of Dwellings in Zone	28875	3291
Per Dwelling Cost	£96	£704

3.4 The 5 Year Delivery Plan for Dawlish Warren (shown below in Table 6) includes as priorities those measures which are integral to the success of the strategy, such as regular monitoring of key habitats and species, as well as visitor number and behaviour monitoring.

3.5 Remaining projects have been prioritised according to available budget, time horizons of related but non-Habitat Regulations schemes (such as the Environment Agency Beach Management Scheme) and the project scoring criteria (scores shown in brackets next to project description).

Table 6 Developer contributions towards mitigation measures at Dawlish Warren, forecast from 2016 until the end of the 2020 financial year.

Dawlish Warren On site (S106 only)	Year 2 2017-18	Year 3 2018-19 (17-18 income)	Year 4 2019-20 (18-19 income)	Year 5 2020-21 (19-20 income)	Year 6 2021-22 (20-21 income)	Total 5 Yr (2016-21) Income
Income	£ 37,312.00	£ 77,400.00	£ 105,600.00	£ 70,400.00	£ 98,560.00	£ 501,447.85
Carried forward	£ 112,175.85	£ 124,487.85	£ 193,837.85	£ 269,387.85	£ 333,405.85	
Total (Start of Year)	£ 149,487.85	£ 201,887.85	£ 299,437.85	£ 339,787.85	£ 431,965.85	
Expenditure						Total 5Yr Expenditure
Petalwort monitoring		£ 1,000.00			£ 1,000.00	£ 2,000.00
Vegetation monitoring		£ 5,000.00			£ 5,000.00	£ 10,000.00
Erosion monitoring		£ 1,000.00			£ 1,000.00	£ 2,000.00
Visitor number monitoring (1/3)				£ 1,666.00		£ 1,666.00
Visitor behaviour monitoring (1/3)				£ 1,666.00		£ 1,666.00
Remaining	£ 149,487.85	£ 194,887.85	£ 299,437.85	£ 336,455.85	£ 424,965.85	
<i>Live visitor management plan (28)</i>	£ 12,500.00					£ 12,500.00
<i>Carry out audit of information boards (22)</i>	£ 7,500.00					£ 7,500.00
<i>Rationalisation of path network (22)</i>			£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 6,000.00

<i>BBQ info at local retailers (19)</i>	£ 2,000.00	£ 50.00	£ 50.00	£ 50.00	£ 50.00	£ 2,200.00
<i>Review and modify parking charges (19)</i>						£ -
<i>Byelaw preventing fires and barbeques in buffer zone (19)</i>	£ 2,000.00					£ 2,000.00
<i>Banks or fencing around existing car park (19)</i>			£ 25,000.00			£ 25,000.00
<i>Remove dog control order (use of leads) in buffer zone (18)</i>			£ 2,000.00			£ 2,000.00
<i>Regular Warren Newsletter (16)</i>	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 5,000.00
<i>In-perpetuity endowment contribution</i>	tbc	tbc	tbc	tbc	tbc	tbc
Remaining	£ 124,487.85	£ 193,837.85	£ 269,387.85	£ 333,405.85	£ 421,915.85	5yr expenditure
						£ 79,532.00
						Balance Remaining
						£ 421,915.85

3.6 The production of a live Visitor Management Plan to monitor and manage visitor access to the site is prioritised, as are the projects to carry out an audit of information boards, provision of information at local retailers relating to restrictions on BBQ's at the Warren, a byelaw preventing fires and BBQ's in the buffer zone and a regular Warren newsletter for local distribution.

3.7 Other projects such as the rationalisation of the path network and banks/fencing around the car park are not recommended for delivery until after the relocation of the Visitor Centre. This is because the layout and use pattern of the area, including the paths and car park, are likely to change when the centre is built.

4. The Exe Estuary

4.1 Of the three European protected sites, the Exe Estuary Special Protection Area is the only one which lies within all three partner authorities' boundaries. As such, developments in each partner authority are required to contribute towards mitigation measures here.

4.2 Mitigation measures for the Exe Estuary are collected through both S106 obligations and/or CIL, depending on the partner. As with the measures at Dawlish Warren, complete forecasts of CIL funding for these measures is underway and will be incorporated in future financial reports to the Committee as a priority.

4.3 Table 10, below, shows the 5 Year Delivery Plan for the Exe Estuary. As with Dawlish Warren and the Pebblebed Heaths plan, it includes as priorities those measures which are integral to the success of the strategy, such as regular monitoring of key habitats and species as well as visitor number and behaviour monitoring.

4.4 Other measures are recommended subject to the available budget, scoring criteria and delivery timescales recommended in the Strategy. For example, measures such as the dog control order (or other relevant legislation), to control dogs off leads on the mudflats, is recommended for delivery after the dog project is up and running (also part of 2016 Annual Business Plan recommendations).

4.5 The forecast indicates sufficient budget for an allocation of £30,000 towards the Dawlish Warren Visitor Centre from Exe Estuary funds in 2018/19.

Table 7. Developer contributions towards mitigation measures on the Exe Estuary, forecast from 2016 until the end of the 2020 financial year.

Exe Estuary	Year 2 2017-18	Year 3 2018-19 (17-18 income)	Year 4 2019-20 (18-19 income)	Year 5 2020-21 (19-20 income)	Year 6 2021-22 (20-21 income)	Total 5 Yr (2016-21) Income
Income	£ 35,357.00	£ 63,513.00	£ 106,212.00	£ 105,069.00	£ 123,915.00	£ 442,982.58
Carried forward	£ 8,916.58	£ 25,523.58	£ 6,286.58	£ 20,298.58	£ 109,835.58	
Total (Start of Year)	£ 44,273.58	£ 89,036.58	£ 112,498.58	£ 125,367.58	£ 233,750.58	
Prioritised Expenditure						Total 5Yr Expenditure
Patrol Boat	£ 7,000.00	£ 7,000.00	£ 7,000.00	£ 7,000.00	£ 7,000.00	£ 35,000.00
Monitoring of wintering wildfowl (WeBS)	£ 250.00	£ 250.00	£ 250.00	£ 250.00	£ 250.00	£ 1,250.00
Disturbance monitoring	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 5,000.00
Visitor number monitoring (1/3)				£ 1,666.00		£ 1,666.00
Visitor behaviour monitoring (1/3)				£ 1,666.00		£ 1,666.00
DW Visitor Centre element:		£ 30,000.00				£ 30,000.00
Remaining	£ 36,023.58	£ 50,786.58	£ 104,248.58	£ 113,785.58	£ 225,500.58	
<i>Gate slipway at Exmouth Imperial Recreation Ground(29)</i>	£ 1,000.00					£ 1,000.00
<i>Close railway crossing at Cockwood (29)</i>	£ 2,000.00					£ 2,000.00
<i>Review and revision of byelaws (29)</i>		£ 10,000.00				£ 10,000.00

<i>Dog control order - mudflats (29)</i>		£ 7,500.00					£ 7,500.00
<i>Updates of the Exe Estuary leaflets (28)</i>		£ 6,000.00	£ 200.00	£ 200.00	£ 200.00	£ 200.00	£ 6,600.00
<i>Low planting around edge of Recreation Ground (26) (see JIA)</i>			£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 3,000.00
<i>New interpretation boards (five boards) (26)</i>		£ 12,500.00	£ 1,250.00	£ 1,250.00	£ 1,250.00	£ 1,250.00	£ 16,250.00
<i>Modifications of slipway at Mamhead (21)</i>	£ 7,500.00						£ 7,500.00
<i>Install dedicated signs - kite & wind surfing (20)</i>		£ 5,000.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 6,500.00
<i>Update signs at public slipways (17)(see JIA)</i>		£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 4,000.00
<i>Scoping study</i>		£ 2,500.00					£ 2,500.00
<i>New high tide roost</i>			£ 15,000.00				£ 15,000.00
<i>Relocate Bird hide</i>			£ 50,000.00				£ 50,000.00
<i>Reed/other screening between Bight & Golf Course</i>			£ 10,000.00				£ 10,000.00
<i>Limited, localised changes to Golf Course</i>			£ 5,000.00				£ 5,000.00
<i>In-perpetuity endowment</i>	to be confirmed	tbc	tbc	tbc	tbc	tbc	tbc
Remaining	£ 25,523.58	£ 6,286.58	£ 20,298.58	£ 109,835.58	£ 221,550.58	£ 221,550.58	5Yr expenditure
							£ 221,432.00
							Balance Remaining
							£ 221,550.58

5. The Pebblebed Heaths

5.1 The zone of influence for the Pebblebed Heaths covers large areas of East Devon and parts of Exeter and therefore developments in each of these authorities's areas are required to provide mitigation through developer contributions.

5.2 Although not part of the Joint Interim Approach (and therefore not eligible for contributions from S106 obligations during that timeframe, see 1.7 & 1.8) consideration of the likely effects of new development on the Pebblebed Heaths is an important element of the Strategy, which recommended a number of measures.

5.3 As recommended in the Strategy, East Devon District Council commissioned further research into effective measures for the Pebblebed Heaths. Although not yet finalised, the draft Pebblebed Heaths Visitor Management Plan details the results of visitor surveys and species monitoring. It also recommends a number of mitigation measures to include, enhance and add to those in the Strategy.

5.4 Mitigation measures derived from the draft Visitor Management Plan have initially been prioritised by the Officer Working Group, with the benefit of expert advice from Dr Sam Bridgewater, Nature Conservation Manager at Clinton Devon Estates (who own and manage extensive areas of the Pebblebed Heaths). Other measures in the management plan are prioritised according to the scoring criteria and available budget.

5.5 Table 11, below, shows the 5 Year Delivery Plan for the Pebblebed Heaths. As with the Dawlish Warren and Exe Estuary plans, it includes as priorities those measures which are integral to the success of the strategy, such as regular monitoring of key habitats and species as well as visitor number and behaviour monitoring.

5.6 The income forecast for Year 2 (2017-18) suggests sufficient funding to initiate 3 of the highest scoring measures, such as the codes of conduct, gorse management and educational work with schools. Other measures such as signs relating to conduct, interpretation boards and signs directing people around the Heaths are dependent on the codes of conduct and therefore logically follow after that work is completed.

5.7 Thereafter, measures are allocated according to the criteria scores, officer working group approval and budget forecast. The forecast suggests that there will be an adequate sum remaining for contingency after allowing for expenditure each year.

Table 8. Developer contributions towards mitigation measures on the Pebblebed Heaths, forecast from 2016 until the end of the 2020 financial year.

Pebblebed Heaths	Year 2 2017-18	Year 3 2018-19 (17-18 income)	Year 4 2019-20 (18-19 income)	Year 5 2020-21 (19-20 income)	Year 6 2021-22 (20-21 income)	Total 5 Yr (2016-21) Income
Income	£ 26,193.94	£ 75,990.00	£ 120,243.00	£ 104,151.00	£ 128,736.00	£ 456,499.48
Carried forward	£ 1,185.54	£ 6,134.48	£ 34,437.81	£ 92,644.14	£ 158,426.48	
Total (Start of Year)	£ 27,379.48	£ 82,124.48	£ 154,680.81	£ 196,795.14	£ 287,162.48	
Prioritised Expenditure						Total 5Yr Expenditure
Dog bins	£ 2,870.00	£ 2,870.00	£ 2,870.00	£ 2,870.00	£ 2,870.00	£ 14,350.00
Monitoring	£ 2,000.00	£ 4,000.00	£ 4,000.00	£ 4,000.00	£ 10,000.00	£ 24,000.00
Visitor number monitoring (1/3)				£ 1,666.00		£ 1,666.00
Visitor behaviour monitoring (1/3)				£ 1,666.00		£ 1,666.00
Remaining	£ 22,509.48	£ 75,254.48	£ 147,810.81	£ 186,593.14	£ 274,292.48	£ 41,682.00
<i>Codes of conduct (26)</i>	£ 4,000.00				£ 2,000.00	£ 6,000.00
<i>Gorse management (26)</i>	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 2,500.00
<i>Education work with schools (24)</i>	£ 11,875.00	£ 11,875.00	£ 11,875.00	£ 11,875.00	£ 11,875.00	£ 59,375.00

<i>Detailed material on web (24)</i>		£ 5,000.00					£ 5,000.00
<i>Boardwalks/Path surfacing (24)</i>		£ 791.67	£ 791.67	£ 791.67	£ 791.67		£ 3,166.67
<i>Works to car parks (24)</i>		£ 15,000.00	£ 15,000.00	£ 15,000.00	£ 15,000.00		£ 60,000.00
<i>Interpretation Boards (Ten boards) (23)</i>			£ 27,000.00				£ 27,000.00
<i>Signs directing people (22)</i>		£ 4,250.00					£ 4,250.00
<i>Signs related to conduct (21)</i>		£ 3,400.00					£ 3,400.00
<i>In-perpetuity endowment contribution</i>	tbc	tbc	tbc	tbc	tbc		
Carried forward	£ 6,134.48	£ 34,437.81	£ 92,644.14	£ 158,426.48	£ 244,125.81		
						5yr expenditure	
							£ 212,373.67
						Balance Remaining	
							£ 244,125.81

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Dawlish Warren Visitor Centre

Neil Harris, Habitat Regulations Delivery Officer
June 2016

Legal comment/advice:

The report raises no direct legal implications.

Finance comment/advice

Financial details are contained in the report. The 5yr Delivery Programme allocates £280,000 to the scheme, the report requests that if additional income is received above projections then a further £220,000 is allocated to this project once allocations have been made to specified priorities identified in the report. Confirmation of funds available will need to be provided to Committee before actual expenditure is incurred.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendation

It is proposed that the Joint Committee:

1. Agree the principle of prioritising a further £220,000 of Partnership funds as a contribution towards the replacement Dawlish Warren visitor centre in 2019/20, subject to sufficient monies being available.
2. Consider redirecting these funds to other projects if sufficient match funding to take the project forward is not secured by June 2019.

Equalities impact: Low

Risk: Medium

If a bid for external funding is not made by June 2019 and backed by a local funding commitment, there is a real risk that many prospective funders will not be willing or able to consider awarding monies for the visitor centre in future years.

1. Summary

1.1 There is an opportunity to deliver a new visitor centre at Dawlish Warren. The project is identified through the South East Devon European Site Mitigation Strategy (“the Strategy”) and very significant match funding may be available for a limited period.

2. Background

2.1 The Strategy proposes a new visitor centre at Dawlish Warren. Replacing and relocating the existing visitor centre would increase footfall through the centre and help to increase enjoyment and understanding of Dawlish Warren and the Exe Estuary including their wildlife interests, potential user conflicts, boundaries, byelaws and codes of conduct. The Strategy attributes a contribution of £500,000 to the visitor centre.

2.2 The 5 Year Delivery Programme commits £280,000 towards the Strategy allocation, subject to sufficient monies being available.

2.3 This report seeks to agree the principle of prioritising the shortfall in capital necessary to deliver the project.

2.4 In terms of mitigating increased visitor pressure on the Warren and Exe, the value of the new Visitor Centre lies in using interpretation to convey key educational messages regarding the international importance of the sites, the effects of disturbance and which behaviours are/are not appropriate whilst visiting the reserve.

2.5 The new location has been chosen for its ability to intercept and attract a much larger proportion of visitors – and therefore enable a greater proportion of visitors to receive those key messages. With anticipated changes to the path network, the Visitor Centre will be situated on one of the main visitor routes to the beach (and reserve) from the car park. This allows essential information to be focused both at key access points and within the centre itself.

2.6 A design for the replacement centre has been prepared and is being finalised. The estimated cost of the project is more than £1,200,000. Teignbridge District Council is working to secure funding from a variety of other sources. There is a September 2016 bidding deadline for the main source of those funds. Having established a figure through the Mitigation Strategy, a commitment to £500,000 of Partnership funds would play a crucial role in securing ‘match’ from others. Partnership funds will not be required until 2018/19 when it is anticipated that the main visitor centre construction works would occur.

3. Justification

3.1 The visitor centre’s proportionate share of on-site habitat mitigation funds collected to date is approximately £30,000. This is calculated by setting monies collected against the total costs of ‘on-site’ mitigation projects.

3.2 However, it is recommended that the Partnership commits its funds to completing projects rather than spreading resources across all projects and saving until they can all be delivered. On that basis, earmarking the full £500,000 for the replacement visitor centre is considered a priority because:

- It is identified as a key project in the Mitigation Strategy;
- It will mark very clear and demonstrable early delivery of planned mitigation;
and
- There is a strong prospect of securing match funding and boosting value for money

4. Funding Implications

4.1 Sufficient information on Section 106 funding from older planning permissions (as opposed to Community Infrastructure Levy from more recent consents) is already available to confirm that £230,000 should be available and applicable to the visitor centre in 2018/19 and a further £50,000 in 2019/20. This is the origin of the £280,000 committed to the Visitor centre for expenditure in the Five Year Delivery Programme.

4.2 Forecasts for income through the Community Infrastructure Levy are being prepared and will be presented to the Committee at a future meeting in order to provide additional information to augment the Five Year Delivery Programme. It is considered likely that further funds will be available and applicable to the centre. A final decision should be made when this information has been assembled.

4.3 On that basis the Partnership is recommended to prioritise a further £220,000 for the visitor centre by 2019/20 subject to that amount being available after commitments to:

- Projects identified in the 2016 Annual Business Plan
- Future year commitments to ongoing expenditure identified in the 2016 Annual Business Plan
- SANGS
- The first £280,000 identified for the visitor centre (4.1)

4.3.1 Where only a proportion of the £220,000 is available by 2019/20, that proportion should still be dedicated to the centre.

5. Visitor Centre Delivery

5.1 Teignbridge District Council has worked with partners, including Partnership officers, to identify a suitable site for the new centre (indicated at Appendix 1). Design works have been completed to establish feasibility and estimated costs. Teignbridge is also working towards acquiring planning permission for the development and would lead on preparing bids for other funds, drawing on the support of the Delivery Officer and other Partnership officers as appropriate. The District Council would assume overall responsibility for letting contracts for development, completion of the project and ongoing maintenance of the facility thereafter.

6. Main Implications

6.1 Funding of the Dawlish Warren visitor centre project would mark another clear milestone in mitigation delivery. Committing a capped £500,000 to the centre between 2018 and 2020 is proposed because there is a time limited opportunity to secure significant external funding for the majority of the project's costs, subject to local match funding being available. This would boost value for money and mitigate the risk of the Partnership needing to fund the full costs of the centre, which are currently estimated at more than £1.2 million.

6.2 If a bid for external funding is not made by June 2019 and backed by a local funding commitment, there is a real risk that many prospective funders will not be willing or able to consider awarding monies for the centre in future years.

Natural England comments:

Natural England supports the recommendation to allocate significant funding to this project in years 3 and 4 of the 5yr delivery programme for the following reasons: There is a specific, time limited, opportunity to secure significant external funding to deliver the project, in the absence of which it may be unable to proceed. There are sufficient funds allocated to “on-site” measures on Dawlish Warren to meet this initial expenditure. If the external funding bid is not successful expenditure on the project will be reviewed and money reallocated.

We suggest that alternative projects are identified ahead of this time to ensure that alternative mitigation can be delivered should the VC funding not be required at that time.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

Habitat Regulations Executive Committee

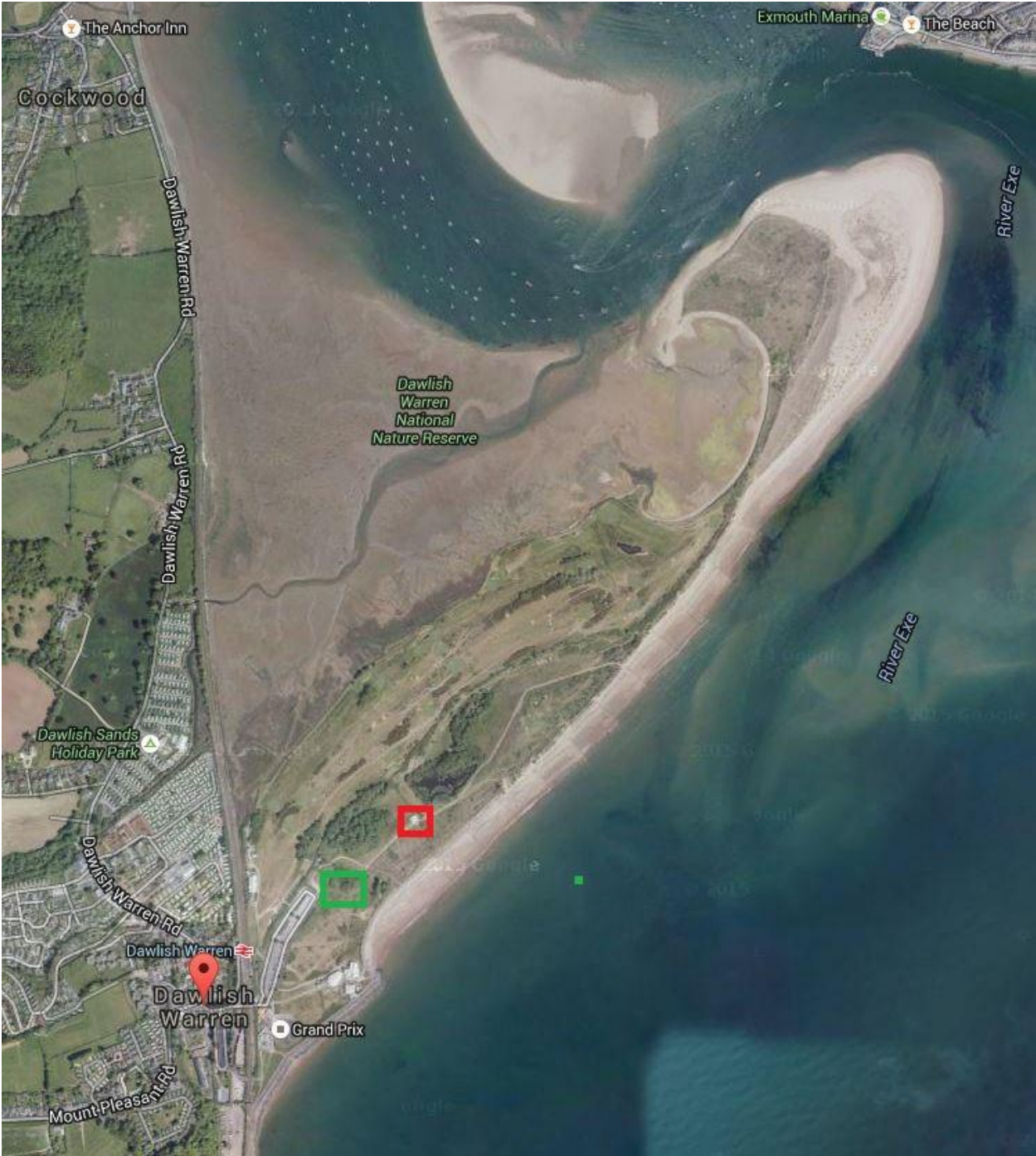
Dawlish Warren Visitor Centre – June 2016

Appendix 1 – Location maps

Map 1 Current and proposed new location of Visitor Centre at Dawlish Warren.



Map 2 Overview





SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Joint Communications Strategy

Neil Harris, Habitat Regulations Delivery Officer
June 2016

Legal comment/advice:

The report raises no direct legal implications.

Finance comment/advice

There does not appear to be any direct financial implication within the recommendations of this report.

Public Document:	Yes
Exemption:	None
Review date for release	None

- Recommendations**
1. To approve the Habitat Regulations Mitigation Communications Protocol as attached (Appendix 1).
 2. To note the Key communications messages (Appendix 2).

Equalities impact: Low

Risk: Medium

As a multi-district project, the South-East Devon European Site Mitigation Strategy is at risk of being subject to communication issues which could result in negative publicity, if not managed at a strategic level..

1. Summary

1.1 To ensure that the reputations of the Executive Committee and the respective Councils are protected, a communications protocol has been produced for agreement (see Appendix 1). This seeks to ensure that the work of the Executive Committee is communicated positively and adverse publicity is avoided or limited.

1.2 Key messages (see Appendix 2) about the work of the Executive Committee will enable the project to be promoted in a consistent and coordinated manner, internally and externally. This will keep Council members informed of issues arising, media enquiries and media coverage, with opportunities to respond.

1.3 This will also enable key partner (Clinton Devon Estates, Exe Estuary Management Partnership, National Trust, RSPB and DWT) communications departments to be updated and informed of Executive Committee communications.

1.4 Communications will be led by the Exeter and East Devon Growth Point, supported by Teignbridge District Council. The Growth Point will provide useful experience in similar arrangements for other cross boundary partnerships.

Natural England comments:

No comments.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

Public Document:	Yes
Exemption:	None
Review date for release	None

Habitat Regulations Executive Committee

Joint Communication Strategy

Appendix 1 - Mitigation Communications Protocol

Memorandum of Understanding between the Communications teams at:

East Devon District Council, Exeter City Council and Teignbridge District Council.

The principal objective of Habitat Regulations communications is:

To promote the work of the Habitat Regulations Executive Committee (HREC) in a consistent and coordinated manner.

Including:

- To be main point of communications contact
- To achieve agreement on key messages about Habitat Regulations mitigation.
- To manage proactive and reactive media activity and relations
- To manage content for social media and website
- To manage collateral for the South East Devon Habitat Regulations Partnership brand
- To provide support for campaigns and events, where necessary
- To keep key partner (Natural England, Clinton Devon Estates, Exe Estuary Management Partnership, RSPB, DWT) communications departments updated and informed of Habitat Regulations project communications.

Requested communications protocol:

Lead communications officer suggested as Anne Mountjoy, Exeter and East Devon (EED) Growth Point and Teignbridge District Council (TDC).

Anne is suggested as Communications Officer due to her split role across EED Growth Point and TDC. The Growth Point has experience in similar arrangements for other cross boundary partnerships and is likely to have documents which will be useful.

Key messages

To be agreed with Habitat Regulations Executive Committee, Delivery Officer and Officer Working Group.

Communicating with Members

All councils' members to be informed of meeting agendas and minutes via internal communications routes.

Any Ward specific enquiries or issues to be returned to the relevant Council
Appendix 1 Mitigation Communications Protocol

communications team for review/reply.

Media releases

All media releases to include a quote from each Council's Leader or Portfolio Holder, and be approved by respective communications leads at each authority, to ensure compliance with local media relations/communications protocols. As and where appropriate, relevant Ward members to be contacted to ensure they are informed about activities and issues, and to be provided with an opportunity to comment.

Final draft to be circulated to key partners (Clinton Devon Estates, RSPB, National Trust, DWT etc) prior to release:

- Emma Percy, Teignbridge District Council
Emma.pearcy@teignbridge.gov.uk (01626 215164)
- Alison Stoneham, East Devon District Council
AStoneham@eastdevon.gov.uk (01395 517581)
- Steve Upsher, Exeter City Council
stephen.upsher@exeter.gov.uk (01392 265103)

As best practice, releases directly concerning key partners to also include a quote from a relevant partner spokesperson and be agreed with respective partner communications lead.

Website

All online documents relating to the Committee to be saved to the website of the authority holding administrative responsibility.

All news and updates relating to the project will be shared on the Exeter and East Devon Growth Point website, as well as links to appropriate resources on respective Councils' websites as necessary. Documents can be duplicated on Councils' websites if required.

Social media

To agree social media activity with communications partners and determine positioning of social media messages.

Collateral

All collateral to feature 3 Councils' logos and to be approved by all Council logos to be used on a case by case basis, agreed with the respective Communications Lead and Delivery Officer (E.g. Dog Project collateral may require low government presence) Specific Habitat Regulations Executive Committee logo to be used on all collateral.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

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Public Document:	Yes
Exemption:	None
Review date for release	None

Habitat Regulations Executive Committee

Joint Communication Strategy

Appendix 2. Key communications messages

Habitat Regulations: Key messages

1. East Devon District, Teignbridge District and Exeter City Councils are working together to protect some of the most important sites for wildlife in Europe, including the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths.
2. Sustainable economic expansion is important, but the level of housing development, and consequential population growth, being planned across the area risks harming the special nature of those sites, largely due to the disturbance-sensitive nature of their wildlife.
3. The Conservation of Species and Habitats Regulations (2010) (as amended) (often referred to as the Habitat Regulations) set out a clear decision-making framework to ensure that internationally important wildlife sites are not harmed by development, except in exceptional circumstances. Since housing is unlikely to qualify as exceptional, mitigation measures are needed to prevent harm to the wildlife sites and enable housing aspirations to be met.
4. The three councils have established a Habitat Regulations Executive Committee which is working with partners including Natural England, Clinton Devon Estates, the National Trust, the RSPB, the Exe Estuary Management Partnership and the Devon Wildlife Trust.
5. A report prepared for the Councils (South-East Devon European Site Mitigation Strategy, 2014) provides evidence-based recommendations for mitigation projects in these areas and this provides the focus for the Habitat Regulations Executive Committee's initial work for the period 2016-2021.
6. Funding for the mitigation and avoidance measures comes from developer contributions on new residential housing across the three areas, within a 10km "zone of influence" from the protected sites.
7. These mitigation measures include initiatives to ensure there are clear and consistent recreation zones and codes of conduct, new and updated visitor leaflets and signage, a new patrol boat for the Exe Estuary, as well as two new wardens who will educate and engage with the public, whilst ensuring that byelaws are observed.

Regular monitoring of the protected sites will help to establish the effectiveness of these measures, the management of which will be kept under review.

8. To complement these initiatives, a number of strategic Suitable Alternative Natural Green Spaces (SANGS) are being developed and delivered. These will provide new, accessible (and in some cases, enhanced) countryside areas which will ease the pressure on the protected sites by providing desirable alternatives.

Neil Harris
Habitat Regulations Delivery Officer

South East Devon
Habitat Regulations
Executive Committee
June 2016

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