

SOUTH EAST DEVON JOINT HABITATS MITIGATION COMMITTEE

Date: Thursday 27 July 2017

Time: 2.00 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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](#), 01395 517542 (or group number 01395 517546).

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

Membership -

Councillors Clemens, Gottschalk and Moulding

Agenda

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

1 Public Speaking

2 Minutes

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 29 March 2017

(Pages 3 - 12)

3 Apologies

4 Declarations of Interest

5 Matters of Urgency

6 Confidential/exempt items

There are no items which officers recommend should be dealt with in this way.

7 2016-17 Annual Business Plan – Annual report

The Habitat Regulations Delivery Manager provides a progress update on delivery of the 2016-17 Annual Business Plan. (Pages 13 - 30)

8 Rebasing the South East Devon European Site Mitigation Strategy – the strategic response

The Habitat Regulations Delivery Manager sets out the work that has been undertaken to re-validate the core assumptions underpinning the Mitigation Strategy. (Pages 31 - 46)

9 Pebblebed Heaths Visitor Management Plan

The Habitat Regulations Delivery Manager summarises the requirement for the Pebblebed Heaths Visitor Management Plan as a partial replacement of (and addition to) the South East Devon European Site Mitigation Strategy. (Pages 47 - 60)

10 2017-18 Annual Business Plan

The Habitat Regulations Delivery Manager sets out the principles for the on-site projects which have been recommended as a priority by the Habitat Regulations Delivery Manager, in conjunction with the Officer Working Group. (Pages 61 - 72)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Monday 23 October 2017** at 6.00 pm in the Civic Centre.

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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Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Knowle, Sidmouth, on Wednesday 29 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.08pm.

***22 Public speaking**

The Chairman welcomed everyone present to the meeting.

The Executive Committee had received two questions on notice. The Chairman invited the first speaker to read out their submitted question (the speaker paraphrased the question at the meeting but is printed in full below).

Question received with notice – Jane Evans

'Please can the South East Devon Habitat Regulations Executive Committee demonstrate how the Public Consultation being conducted by the Exe Estuary Management Partnership (EEMP) on behalf of the South East Devon Habitat Regulations Executive Committee and Partnership (SEDHRP) has met the standard for a public consultation given the following information:

- a) The consultation event on 8 December 2016 is claimed to have been public. However the general public were not informed that it was taking place. It appears to have only been notified to people who are on the EEMP mailing list. This list is not a representative cross section of the general public or of the people who are likely to be affected by the proposed exclusion zones.
- b) No information on the proposed exclusion zones or project proposal was added to the EEMP website for months, despite it being claimed that the consultation was being undertaken. It was only after requests from Jane Evans to EEMP on 1 March 2017, 3 March and again on 7 March that any information was added to the EEMP website. This resulted in draft maps being added on 9 March, the project proposal on 10 March and supporting documents on 14 March. The minutes of the EEMP consultation event of 8 December 2016 were added to the EEMP website on 14 March. At the time this information was posted there were two weeks before the consultation was due to close.
- c) No press releases have been made by East Devon District Council, Exeter City Council or Teignbridge District Council advising that the Public Consultation has been taking place. The press have not been informed about the public consultation so there have been no articles in the local newspapers.
- d) It was advised that the advertising for the public consultation event was made by social media. However no advertising for the public consultation has been located on any of the three councils' twitter accounts. Eventually a tweet was added to EEMP twitter account on 16 March.
- e) There is no poster at the edge of the proposed exclusion zone in Cockwood so users of the Cockwood foreshore have not been notified of the proposals.
- f) Some water sports associations, clubs and retailers that are listed on page 93 of the Exe Estuary Recreational Framework 2014 have still not been notified of the Public Consultation by EEMP.
- g) The format of the public consultation is informal meetings with the Exe Estuary Officer. Attendees are advised that comments will be taken to the SEDHRP. The

Exe Estuary Officer does not have a minute taker for the meetings. There has not been a circulation of the notes taken by the Exe Estuary Officer made following the meetings to the attendees so the attendees cannot see that their comments are being reported accurately to the SEDHRP.

- h) There is no questionnaire that may be completed by members of the public to contribute their comments to the public consultation.
- i) No information is available on how any responses are being collated, analysed or results published.
- j) No information is available on how the decision makers are assessing the responses and against what criteria.
- k) There is no engagement between the members of the South East Devon Habitat Regulations Executive Committee or the Partnership with the people who will be affected by the proposed exclusion zones or their representatives, for example various sport's national governing bodies. All engagement has so far been required to take place with the Exe Estuary Officer.'

The Chairman invited the Habitat Regulations Delivery Manager to respond to the points raised. The Delivery Manager responded to the question as submitted as follows:

- a) It should be stated that these consultations are in regard to Voluntary Exclusion Zones and so there is no set "standard" – it is not an exact science, although due diligence was shown in the approach. It was agreed with the Exe Estuary Officer that it was logical to begin by consulting with those user groups most likely to be impacted by the proposals. The event on 8 December was advertised to key stakeholders as well as in the public domain on websites, and social media. This consultation event was specifically targeted to user groups that regularly use the Exe Estuary for their activity, rather than occasional users.
The intention was to invite the input of local users who have good knowledge of the Exe and the areas that were particularly important for their activity - and to identify any potential impact on local businesses. There were a lot of specific (and sometimes conflicting) interests to take into consideration, so the consultation needed to be targeted in order to explore the best option for all parties.
- b) The consultation was publicised from mid-November on EEMP website, and specifically the first public event was publicised both by direct email invite and on the EEMP and Eventbrite websites from that date onwards.
Unfortunately, due to technical problems outside of EEMP's control, the website was unavailable between 20 December 2016 and 2 February 2017. It took longer to put up amended maps due to specific software issues at EEMP. These were available from 9 March and would remain available until the end of April.
The review of zonation was introduced a year ago, at the Winter Forum on 9 February 2016. The review was also advertised through the Exe Press newsletter, in the editions of spring 2016, winter 2016 and spring 2017. The newsletter had been distributed via post and email to approximately 2,000 people, and available free of charge at Tourist Information Centres, libraries, doctor's surgeries. The consultation was also advertised on Devon County Council's website. A review of zones of activity, codes of conduct and the consultation were part of a press release from the Local Authorities on 11 July and 4 November 2016
- c) This was a consultation which has primarily been advertised to key stakeholder groups through long established channels of communication at the Exe Estuary Management Partnership. In order to reach a wider audience, the Partnership had extended the consultation and would be issuing a press release within a day or so. The consultation would be re-publicised through partner authority media

contacts. However, we had no control over whether or how the newspapers used it - they may decide not to feature it. Advertising on posters and leafleting had been carried out in specific areas to reach out directly to people using the affected areas.

The consultation had been in local papers (such as The Exeter Daily online newspaper in November and Dawlish Gazette in March). The Exmouth Journal retweeted details of the consultation on 13 March.

- d) @Exeestuary tweeted/retweeted about the consultation on 17, 18, 21 November and 6 and 12 December. Tweets had also been sent about the Exe Press, which contained details of the consultation (this was also available on the EEMP website).
@Teignbridge had tweeted about the consultation on 18 November and 1 December. @PlanTeignbridge, @ExeterCouncil, @EEDGrowthPoint and @eastdevon had all tweeted / retweeted about the consultation. It had also featured widely on facebook accounts, with local stakeholders targeted.
- e) As mentioned above (c) posters have been put up at the Cockwood notice board and the Cockwood steps (also Starcross noticeboard0, by the Habitat Mitigation Officer. Users of the Cockwood foreshore are predominantly bait diggers and crab tilers. These users were some of the first to be contacted in face-to-face meetings with the Exe Estuary Officer. Other users such as anglers (and dog walkers) were already excluded from the area under the existing byelaw and codes of conduct.
- f) A small number of email addresses had been found to be out of date and either had been or were in the process of being amended by the Exe Estuary Officer.
- g) There was no specific requirement to publish the minutes of these meetings. However, the Exe Estuary Officer did take minutes during meetings and had always intended for these to be made available prior to the next stage of consultation. Minutes would be on the EEMP website by end of month, in conjunction with updated maps.
- h) As part of the extended consultation period, a questionnaire had been drafted and would be available online and by paper copy on request, by the end of the week.
- i) Details of next steps for the proposal of these voluntary zones would be included in the press release and on the dedicated consultation pages of the EEMP's website. When complete, results of the consultation would be also be published here.
- j) The criteria was very simple and was explained in the face to face user group consultations, on the EEMP website and was now included in the questionnaire:
The areas identified are sensitive areas for internationally important species and habitats – disturbance from human activity risks impacting upon those species and habitats. The responses will therefore be assessed against how any amendments to the proposals can meet the aims of protecting these areas and species.
- k) The Executive Committee had given delegated powers to the Habitat Regulations Delivery Manager to work on implementing the approved Annual Business Plan. As part of the Annual Business Plan, the Executive Committee had also approved the consultation on revised zoning and codes of conduct to be undertaken by the EEMP.
The Habitat Regulations Delivery Manager, Habitat Mitigation Officers, Dog Project Officer and EEO had all given presentations on the background to the work at the consultation meeting held at the beginning of December 2016. Officers from Natural England, the RSPB, EDDC Countryside Team, Devon Wildlife Trust and IFCA had also been present at the stakeholder meeting.

Arrangements were being made for as officers as possible to be present at the next general consultation meeting to be held on 20 April 17.

In accordance with the published constitution, meetings of the Executive Committee were open to the public and members of the public were able to engage by making statements or asking questions.

Under the Executive Committee's terms of reference in respect of questions submitted in advance, the questioner had the right to ask a supplementary question relevant to the original question printed above. In response to the supplementary question asked, the Habitat Regulations Delivery Manager advised that the consultation had been reviewed and extended as a result.

Cllr Rachel Sutton commented that the proposals had clearly generated a lot of public interest and therefore it was helpful that the consultation had been extended. The Chairman apologised if the original message regarding the consultation had not reached all users of the Exe.

The second person who had submitted questions on notice was invited to speak. The Chairman invited the Habitat Regulations Delivery Officer to respond after each question had been asked.

Questions received with notice – Vyv Game

- a) What is the evidence that sailing activities are having an impact on migrating birds in these areas?

Response: The Exe Disturbance Study 2011 was an extensive piece of survey work originally commissioned by the Exe Estuary Management Partnership. This clearly indicated that disturbance caused by current levels of recreational access (including sailing) was influencing the distribution and behaviour of birds on the Exe.

Extract from the Exe Disturbance Study 2011

"Using the counts of people and birds undertaken in this project for each survey location we find evidence that the number of birds fluctuates in relation to levels of access at Lympstone, Powderham, the Duck Pond and at Starcross South. Numbers of birds at these locations are lower on particular visits when levels of human activity are higher."

"After controlling for distance, tide and location, birds were more likely to take flight when the activity took place on the intertidal or on the water compared to the shore."

All birds were observed to take flight when the disturbance was close – indicating that appropriate exclusion zones would offer refuge and a "buffer" to disturbance. Nearly all sailing activities were observed to cause a disturbance response from the birds present.

"The work presented... shows that disturbance is reducing the habitat available to the birds and that the numbers of birds in certain parts of the estuary are related to the levels of access. Disturbance is currently therefore influencing the distribution and behaviour of birds on the Exe."

There was, therefore, reasonable doubt that recreational activities including sailing were not affecting the protected species and habitats present on the Exe. In order to meet their legal obligations under the Habitat Regulations, respective Local Plans had been assessed in terms of the likely significant effects of, in this case, residential development and an associated increase in recreational activity.

The local authorities of Teignbridge, Exeter and East Devon were following the precautionary principle which required that likely significant effects were mitigated before they had an impact. This was considered a correct and appropriate interpretation of their legal obligations. Doing nothing was not an option.

The speaker disputed this response and stated that there was insufficient evidence to support that sailing created a disturbance to the habitats.

b) Who has the legal authority over maritime activity on the Exe Estuary?

Response: The Harbour Authority & Marine Coastguard Agency (MCA) both had a legal duty in respect of maritime activity on the Exe. Additionally, the Marine Management Organisation (MMO) licensed, regulated and planned marine activities in the seas around the English Coast. The Devon and Severn Inshore Fisheries Conservation Authority was the statutory organisation which managed both commercial and recreational marine fishing activities from the shore out to the six nautical mile limit. Both the Harbour Authority and IFCA had been fully consulted on the proposed voluntary exclusion zones and had no objections to them.

In response to a supplementary question, the Habitat Regulations Delivery Manager advised that 'voluntary' exclusion zones were proposed.

c) How do you keep the public informed?

Response: The public were kept informed through ongoing consultation events, through social media and through the dedicated web pages on the EEMP's website. The questionnaire which would be available by the end of the week would offer the opportunity to be updated with progress on the consultation. Final proposals would be available on the EEMP website and any recommendations to the Executive Committee would form part of the agenda papers which were published on the Committee's dedicated web pages of East Devon District Councils' website.

If final proposals were approved by the Executive Committee then other projects include the provision of new interpretation boards in priority areas on the Exe and new signage at all slipways.

Other work would include:

- Featuring the zones and codes of conduct in reprints of the "Exe" leaflets distributed by the EEMP.
- Distributing copies of codes of conduct and zonation leaflets to clubs and associations.

In addition, it is the remit of the Habitat Mitigation Officers to engage with and help to educate members of the public as to how they can best enjoy their chosen activity and help care for the special places at the same time.

In response to a question regarding public safety, the Habitat Regulations Delivery Manager advised that the voluntary exclusion zones would not apply if someone was to get into danger and that public safety concerns would be considered as part of the consultation process.

The Chairman invited the two members of the public who had registered to speak at the meeting to address the Committee.

Michael Arstall raised concern about the introduction of enforcement measures against waters users on the Exe and the impact the voluntary exclusion zones would have on people being able to enjoy activities on the water. He referred to the high performing athletes that took part in water sports on the Exe and considered that the Council should be encouraging these activities for health benefits rather than discouraging and preventing them.

In response to the speaker, the Habitat Regulation Delivery Manager advised that no enforcement action was currently being taken. Amanda Newsome, Natural England, added that many of the users of the Estuary were very responsible, however the measures being put in place, such as the Wardens, were there to educate people and mitigate against an increasing population. The measures were not designed to stop people using the Exe, but were designed to protect the habitats concerned.

Nick Webber raised concern about the safety of water users if the exclusion zones were introduced. He advised that the clubs using the waters were responsible users and understood the competing pressures regarding the protected areas, however hoped their comments would be taken on board.

The Chairman thanked the speakers and members of the public for attending the meeting. The Executive Committee Members encouraged users to submit comments to the consultation so that their concerns could be taken on board.

***23 Declarations of interest**

There were none.

***24 Matter of urgency**

There were none.

***25 Exclusion of the public**

RESOLVED:

that the classification given to the documents submitted to the Executive Committee be confirmed; there were two items which officers recommended should be dealt with in Part B.

***26 Rebasing the South East Devon European Site Mitigation Strategy**

The Executive Committee considered the Habitat Regulations Delivery Manager's report updating Members on the work undertaken to rebase the South East Devon European Site Mitigation Strategy and detailing the initial findings from this work and the significant variants that had been revealed. Members noted that further work was required to refine the analysis undertaken to date and that a report would be presented at the next Executive Committee providing greater detail and proposing a strategic way forward.

RESOLVED:

1. that the work that has been undertaken to rebase the South-East Devon European Site Mitigation Strategy be noted and that the significant deviations from the original assumptions that have been revealed be acknowledged.
2. that a further paper setting out the final assessment and proposed strategic way forward be presented at the next Executive Committee meeting.

***27 Financial report**

The Executive Committee considered the Habitat Regulations Delivery Manager's report updating Members on the overall financial position of developer contributions received by all three local authorities as mitigation payments toward measures identified in the South East Devon European Site Mitigation Strategy. The report set out details of the contributions received from inception until the end of the second and third quarters of the 2016 financial year and also included anticipated income from contributions where planning permission had been granted, however the mitigation payment had not yet been paid.

Cllr Rachel Sutton expressed concern about the pressure being placed on resources at the three Councils to produce quarterly financial reports and queried whether it would be sufficient to produce six monthly reports be produced in future. Officers raised no concern with this approach.

RESOLVED:

1. that the quarterly update 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) be noted.
2. that the Executive Committee receive six monthly updates on the overall financial position in future, instead of quarterly updates.
3. that an update on 5 year income forecasts of developer contribution receipts be presented at the HREC meeting in June 2017. This will clearly identify where these have been retained by the collecting authority where any agreement is in place for contributions to be with-held.

***28 2016 Annual Business Plan – progress report**

The Habitat Regulations Delivery Manager presented the report setting out the mitigation measures put forward in the 2016 Annual Business Plan and outlining progress made towards delivery of the measures outlined in the committee report during the period 12 August 2016 to 17 February 2017.

In response to a question regarding the patrol boat, the Habitat Regulations Delivery Manager advised that finding a boat that met the required specification and was within the budget had proved challenging, however he was satisfied that a solution had now been found.

RESOLVED:

1. that the progress made towards delivering the 2016 Annual Business Plan be noted.
2. that the expenditure of £1500 from Patrol Boat revenue budget towards purchase of small inflatable boat and outboard motor be approved.
3. that an Annual Review on the implementation of the 2016 Annual Business Plan be presented at the Executive Committee meeting (June 2017).
4. that recommendations for the 2017 Annual Business Plan be presented at the next Executive Committee meeting (June 2017).

***29 Dawlish SANGS Marketing Strategy**

The Executive Committee considered the Habitat Regulations Delivery Manager's report outlining the proposed Marketing Strategy for the Dawlish Countryside Park and marketing budget which Members were asked to agree. Members were advised that in order to be effective, all SANGS needed to be actively promoted to ensure key users were aware of the location and layout of the site and that there was a risk that if key users groups were not targeted the effective use of the site as mitigation would be compromised.

The Executive Committee members spoke of the importance of promoting the site successfully so that people understood its benefits. The Habitat Regulations Delivery Manager advised that the marketing strategy would be reviewed in the second year to ensure its continued effectiveness.

RESOLVED:

1. that the Dawlish Countryside Park Marketing Strategy be approved.
2. that the Dawlish Countryside Park Marketing Budget (Appendix A to the committee report) of £38,958 for the first 3 years be approved.

***30 Exclusion of the public**

RESOLVED: 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).

***31 Suitable Alternative Natural Green Space (SANGS) Strengths, Weaknesses, Opportunities and Threats (SWOT) – Analysis of options**

The Executive Committee considered the Habitat Regulations Delivery Manager setting out strengths, weaknesses, opportunities and threats (SWOT) analysis of the potential strategic SANGS sites currently under investigation across the three partner authorities and making recommendations on preferred options for delivery based on the analysis.

Natural England confirmed that the SANGS options as proposed would be delivering the Mitigation Strategy.

RESOLVED:

1. that the South West Exeter SANGS site be agreed as the preferred option for the delivery of SANGS in Strategy Zone B (as shown in Appendix A of the confidential committee report)
2. that an appraisal of future SANGS capacity and likely delivery costs of works be undertaken (including in Exeter's Valley Parks), where practicable in association with potential SANGS providers. This appraisal to inform the development of the Greater Exeter Strategic Plan (GESP) and any future iteration of the South East Devon European Site Mitigation Strategy (SEDESMS), with appraisal costs being borne from partnership GESP funds.
3. that officers commence consideration of options for offering SANGS mitigation capacity to developers who are unable to provide on site SANGS, with further reports to be addressed through the GESP process.

***32 Suitable Alternative Natural Green Space (SANGS) – Proposal in SANGS Zone B**

The Principal Growth Point Officer presented a report setting out the proposed acquisition, instatement and management arrangements for the preferred site in SANGS Zone B. The site would play a key role in mitigating the impacts of development within the Partnership's three local authority areas. Members noted that the report outlined expectations of Teignbridge District Council, however formal approval from Teignbridge District Council was required.

RESOLVED:

1. that Teignbridge District Council undertake the following actions for the purposes of providing SANGS:
 - a) Acquisition of the land within the approximate area identified at Appendix A (on page 85) of the confidential committee report.
 - b) Procurement of a contract or direct works to the land in order for the SANGS to be provided in broad accordance with the site masterplan at Appendix B (on page 86) in the confidential committee report.
 - c) Procurement of a contract or direct works that ensure ongoing management and maintenance (but not ownership transfer) of the SANGS.
2. that the proportionate (to be agreed, subject to ongoing work to rebase the mitigation strategy) payment, as outlined in the confidential committee report, be paid to Teignbridge District Council as a contribution towards the SANGS, as soon as funds for SANGS become available, and upon confirmation of the final land transaction costs.
3. that Teignbridge District Council be requested to provide detailed reports on purchase, delivery and management/ maintenance arrangements regarding the South West Exeter SANGS.

Attendance list

Committee Members:

Cllr Andrew Moulding, East Devon District Council (Chairman)
Cllr Humphrey Clemens, Teignbridge District Council
Cllr Rachel Sutton, Exeter City Council

Amanda Newsome, Natural England

Officers

Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)
Simon Davey, Strategic Lead – Finance (EDDC)
Ed Freeman, Service Lead – Strategic Planning and Development Management (EDDC)
Neil Harris, Habitat Regulations Delivery Manager – Growth Point Team
Naomi Hartnett, Principal Projects Manager – Growth Point Team
Peter Hearn, Strategic Infrastructure Planning (ECC)
Anne Mountjoy, Growth Point Communications Officer – Growth Point Team
Fergus Pate, Principal Growth Point Officer (TDC)
Hannah Whitfield, Democratic Services Officer (EDDC)
Andy Wood, Projects Director – Growth Point Team

Apologies:

Peter Lacey, Green Infrastructure Board

Chairman Date.....



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

2016-17 Annual Business Plan – Annual Report

Neil Harris, Habitat Regulations Delivery Manager
July 2017

Legal comment/advice:

As this is an update report, there are no direct legal implications arising.

Finance comment/advice:

The financial details are contained in the report and require no additional comment.

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

Recommendations

It is proposed that the Executive Committee:

1. Notes the progress made towards delivering the 2016-17 Annual Business Plan.

Equalities impact: Low

Risk: Medium.

This report is an update on the progress made in delivery of the mitigation measures set out in the 2016-17 Annual Business Plan. It is important that progress continues to be made, or this would put the delivery of the partner Authorities' Local Plans at risk due to the continued legal duties under the Habitat Regulations.

1. Summary/Overview

1.1 The 2016-17 Annual Business Plan was approved at the inaugural meeting of the Executive Committee at the East Devon District Council Chambers, Knowle, Sidmouth on June 29th 2016.

1.2 The measures outlined in the plan had been scored according to agreed criteria and further debated and endorsed by the Officer Working Group. The plan demanded the delivery of a range of on site mitigation measures, outlining expenditure of an estimated £215,000.

1.3 Projects included the introduction of keystone mitigation measures such as the Delivery Manager, Habitat Mitigation Officers, Project Officer (Devon Loves Dogs) and the review of zonation on the Exe Estuary.

1.4 Significant progress is evident in the delivery of the Suitable Alternative Natural Green Space (SANGS) Strategy. Within the space of a year, the partnership has reached agreement on the prioritisation of sites, secured the land at Dawlish and is progressing the delivery of South West Exeter.

1.5 Representing an investment of £2.9m, the first SANGS site in our region, 26 hectares of newly accessible countryside at Dawlish, is due to open to the public this summer.

1.6 The operational year ends with a complete reassessment of the financial assumptions made in the Strategy, a new Visitor Management Plan for the Pebblebed Heaths, and significant reappraisal of mitigation project costs, leading to new per dwelling recommendations. This will ensure a secure and credible financial platform for future investment.

1.7 Sustained, meaningful and important progress has been achieved through local authorities and stakeholder organisations working together in partnership.

Table 1. 2016-17 Annual Business Plan - mitigation measures.

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

Table 2. 2016-17 Annual Business Plan – Expenditure (Actual)

Site	Measure	Total
Cross Site	Delivery Manager	£40,708.00
Cross Site	Two Habitat Mitigation Officers	£34,501.00 ¹
Cross Site	Warden vehicle	£20,089.63 ²
Cross Site	Dog project	£12,388.00 ³
Pebblebed Heaths	Dog bins	£4,299.76 ⁴
		£111,986.39

¹ Costs are lower than estimated because the HMOs started part way through the operational year.

² Costs are lower than estimated because procurement of the vehicle was more cost effective, see (1) above also.

³ See (1) above.

⁴ Costs are lower than estimated thanks to cost efficiencies and because they were installed part way through the year.

Table 3 – mitigation measures to be carried over for delivery (not yet complete)
from the 2016-17 ABP

Site	Measure	Capital cost	Revenue Cost	Total
Exe Estuary	Exe revised zoning	£5,000	£0	£5,000
Exe Estuary	Voluntary Exclusion Zone	£2,000	£0	£2,000
Exe Estuary	Exe codes of conduct	£10,000	£0	£10,000
Exe Estuary	Patrol boat	£22,600	£0	£22,600
Exe Estuary	Small inflatable boat and outboard motor	£1,500	£0	£1,500
Dawlish Warren	Petalwort monitoring	£1,000	£0	£1,000
Pebblebed Heaths	Pebblebeds map	£3,950 ⁵	£0	£3,950
Pebblebed Heaths	Pebblebeds monitoring	£0	£1,500	£1,500
	Total	£ 46,050	£1,500	£47,550

2. Progress

2.1 Habitat Regulations Delivery Manager

2.1.1 The Delivery Manager continues in post, working to organise and implement the approved Annual Business Plans, report progress to the Executive Committee, co-ordinate delivery of the Strategy, liaise with the Officer Working Group and undertake ongoing review of the Strategy. Significant progress is marked by the recruitment of key staff, implementation of key projects (Dog project, zonation review) and rebasing the Strategy.

2.2 Habitat Mitigation Officers

⁵ Strategy estimate was £1,500. This is the lowest quote out of 3 designers approached – representing an overspend of £2,450. Recommendation is contained in the 2017-18 ABP.

2.2.1 Following successful interviews on 7th September 2016, two Habitat Mitigation Officers (HMOs) were appointed. They started on 17th October 2016, hosted by EDDC Countryside. Following staff changes, a replacement HMO, Amelia Davies started work on 24 April 2017, joining Sama Euridge (shown in Photo 1, below).

Photo 1. *Sama Euridge (left) and Amelia Davies, Habitat Mitigation Officers*



2.2.2 In the first 4 weeks of their employment, the HMOs were introduced to key stakeholders across the three sites and then integrated more closely with site management staff at the Pebblebed Heaths and at Dawlish Warren. Day to day work schedules now involve public education and engagement across the 3 sites.

2.2.3 The HMOs have access to a bespoke SNAP survey, which is an electronic form recording their engagement with the public – providing a daily record of locations visited, number of people spoken to, activities witnessed and disturbance events. Data retrieved from Nov 16 to June 17 is summarised in Table 4, below:

Table 4: HMOs: Locations, number of people spoken to & interactions⁶

Dawlish Warren	Ppl Spoken to	No of interactions
Dune Ridge	40	15
Finger Point	10	2
Greenland Lake	23	10
Groyne 9>	188	74
Groynes 1-9	10	3
Main Woods (DD)	8	3
Soft Sand Bay	17	7
Warren Point	9	4
Total	305	118

Pebblebed Heaths		
Aylesbeare Common	47	20
Bicton Common	59	32
Bystock	9	5
Colaton Raleigh Common	120	62
Dalditch Common	3	2
East Budleigh Common	44	30
Harpford Common	6	4
Hawkerland	27	19
Model Airfield	1	1
Woodbury Common	383	176
Total	699	351

Exe Estuary		
Bowling Green Marsh	2	1
DW VEZ	2	1
Exminster Marshes	1	1
Exmouth Duck Pond / LNR	22	15
Imperial Recreation Ground	6	5
Total	33	23

Total (combined)	1037	492
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2.2.4 The results above are open to misinterpretation in regard to time spent at each location because it only reflects actual interaction with visitors. Future monitoring will be adapted to also reflect “nil” interactions, time spent at a location.

2.2.5 An important function of the HMO remit is to engage with visitors. Their natural inclination may therefore lean toward spending a greater proportion of time at sites with more visitors and a reduced presence at less visited sites. This approach could require refinement based on liaison with and advice from site managers as it is important to maintain a presence across all locations.

⁶ This accounts for interactions with groups of visitors as well as individuals

2.2.6 The results of the SNAP monitoring survey indicate a reduced number of people interacted with at various locations along the Exe Estuary. There are a number of possible explanations for this – the fact that there are a smaller number of access points, water based interactions are not possible due to the lack of a Patrol Boat, monitoring only began in November 2016 and one of the most popular areas (the Duck Pond, Exmouth) is most sensitive between mid-late August and late December.

2.2.7 The HMO remit is flexible, with continuity of presence at each site throughout the year. Seasonal requirements (breeding birds in spring/summer on the Pebblebeds, waterfowl in autumn/winter on the Exe) and the level of their involvement with other mitigation projects dictate how HMO time is allocated.

2.2.8 The HMOs have participated in a number of events with key stakeholders, including the Friends of the Common Forum and Board of Trustees meeting at Clinton Devon Estates. They also attended meetings of the Exe Estuary Management Partnership Officer Working Group and were speakers at the launch event for the public consultation on zones of activity for water users on the Exe Estuary.

2.2.9 The HMOs have visited other mitigation teams in the Solent and in Dorset in order to understand and learn from other approaches. A visit to the SPA Warden team in the Thames Valley area was achieved in spring 2017.

2.2.10 The mitigation value of the HMO roles as a means of directly engaging with and communicating key messages to visitors at each site cannot be overstated. As can be seen from the results in Table 4, the HMOs have engaged with over 1000 people since November 2016. These visitors may not otherwise have received the key messages about the importance and sensitivities of the protected sites.

2.3 Warden Vehicle

2.3.1 Ultimately, an Isuzu D-Max 4x4 vehicle was selected. This choice of vehicle provided best value for money and compared very favourably with its' competitors in terms of specification and capability. At £18,303, this vehicle was delivered £1,697 under budget, with outright purchase of the vehicle (as opposed to lease hire) expected to result in cost savings of an estimated £380,000 over an 80 year period (when compared to Strategy estimates).

2.4 Dog project

2.4.1 The objective of the Devon Loves Dogs project is to reinforce positive messages about responsible dog behaviour in the countryside. The Project Officer, Julie Owen (shown in Photo 2, below), started on 22nd November 2016, also hosted by EDDC Countryside.

Photo 2: Julie Owen, Devon Loves Dogs Project Officer (and dog, Maisie)



2.4.2 Julie has also met with key stakeholders across the three sites. Ongoing contact with Dorset Dogs (the scheme we are attempting to emulate) has been invaluable in learning more about their approach and fine tuning our own.

2.4.3 Work to date has focused on developing and establishing the project, launching in July 2017. Now called “Devon Loves Dogs”, designing a visual identity for the scheme has been key (see Image 1, below), whilst work to develop a dedicated website and associated materials is due for completion in July 2017.

Image 1: Visual identity for Devon Loves Dogs



2.4.4 Key project goals such as a dog walking code, recommended walks in the area and useful information for dog owners have been completed and will be incorporated into leaflets and the project website www.devonlovesdogs.co.uk.

2.4.5 Dawlish SANGS is due to open to the public during summer 2017. The Project Officer is working with Teignbridge District Council to deliver a dog festival as the launch event for the site⁷. This will announce that the site is open for business and firmly place dogs and dog walking as its core user group (see 3.8 below).

⁷ See *“Dawlish SANGS Marketing Strategy” (March 2017)*

2.5 Revised zoning, Wildlife Refuges (formerly Voluntary Exclusion Zones) and codes of conduct for the Exe Estuary.

2.5.1 Two areas critical to the ecological function of the Exe Estuary (the intertidal areas to the north of Dawlish Warren and at the Duck Pond in Exmouth) have long been identified. Proposals to establish Wildlife Refuges (formerly Voluntary Exclusion Zones) in these areas were presented at a general meeting with users of the estuary on 8th December 2016.

2.5.2 This started a consultation process, run by the Exe Estuary Management Partnership (EEMP) which included 18 meetings with different user groups, 2 general meetings and an online questionnaire which closed on 28 April 2017.

2.5.3 A critique (originally raised with NE and the Local Authorities in August 2012) regarding the scientific evidence and interpretation underpinning the approach taken to Habitat Regulations mitigation was raised. Senior ornithologists from NE met to discuss this issue with those raising it in October 2013 and subsequently also discussed related critiques regarding similar work on the Solent. The partnership maintains that the approach taken draws on robust examination of available evidence and is implementing a correct interpretation of the precautionary principle.

2.5.4 After taking into account both the consultation responses and the ecological requirements of these areas, final proposals have been discussed and amended by the EEMP Officer Working Group (which also includes South East Devon Habitat Regulations Partnership (SEDHRP) officers) and endorsed by the EEMP Management Group.

2.5.5 A drop-in event took place on Thurs 29 June at Devon County Council (County Hall) in Exeter. At this event the final proposals of the Exe Estuary Management Partnership were displayed and staff were in attendance to answer questions on the report.

2.5.6 The drop in event marked a handover in the ownership of the process from EEMP to SEDHRP. Started on June 29th, there is a 6 week period until 10th August during which people and organisations can look at and help to refine the final recommendations online. This is particularly to allow for seasonal estuary users to comment, and to allow for any comments on any amendments made to the proposals following the previous consultation.

2.5.7 Following the conclusion of the SEDHRP consultation process, a further report encompassing both the EEMP recommendations and any other amendments will be presented to the October 2017 meeting of the Executive Committee.

2.6 Purchase and run a new patrol boat

2.6.1 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.

2.6.2 An extended period of searching the second hand market for a patrol boat which meets the specification and is within budget has proved very challenging.

2.6.3 The HMOs will be required to carry out regular patrols up and down the estuary, with a visible presence on the water and in a craft which is suitable for all the conditions they are likely to experience.

2.6.4 Following further research online and followed by a visit to a boat manufacturer in Poole, Dorset (Twinseas Boats), a variety of quotes have been requested for a custom built twin hulled boat. However, despite repeated requests for a final quote this has not been forthcoming and this avenue of research has stalled.

2.6.5 Given the potential role of the Patrol Boat in helping to establish any Wildlife Refuges, it would seem appropriate to wait until it is understood whether the proposals are approved before further investigating purchase of the patrol boat.

2.7 Petalwort translocation & monitoring at Dawlish Warren

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

2.7.2 The work proposals include habitat creation to create suitable conditions for petalwort and subsequent monitoring of success/failure. This necessitates disturbance of other habitat within the Special Area of Conservation and therefore the senior Ranger at Dawlish Warren has submitted an Assessment of Likely Significant Effect (ALSE) form to Natural England (NE) regarding the work.

2.7.3 The work remains dependent upon NE's response, which could include information on other consents and licences which are required to progress further.

2.8 Codes of conduct on the Pebblebed Heaths.

2.8.1 Dr Sam Bridgewater, Nature Conservation Manager at Clinton Devon Estates is in the process of drafting text for the proposed codes of conduct and will circulate these to the Officer Working Group (OWG) for discussion.

2.9 Provision of dog bins on the Pebblebed Heaths.

2.9.1 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 provides an indication to visitors that visitors are expected to pick-up and helps to generate a sense that the site is being looked after.

2.9.2 A total of 6 parking areas across the Pebblebed Heaths now have new dog bins installed and collections are underway. These are:

- Wheathills
- Estuary
- Stowford
- Bystock
- Aylesbeare
- Lympstone

2.10 Sensitivity maps for the Pebblebed Heaths.

2.10.1 Draft sensitivity maps highlighting sites of high conservation value (based on presence of European Protected Species and fragile mire habitat) have been created. Maps also exist for all tracks.

2.10.2 Quotes from designers have been received to create draft maps that can then be used in a range of future media (including walking leaflets, panels and electronic media) to help manage and direct visitor traffic.

2.10.3 The quotes are all higher than the estimated cost in the Strategy and therefore it is recommended in the 2017-18 Annual Business Plan that sufficient extra resource is made available to complete this work.

2.11 Monitoring erosion of paths and tracks on the Pebblebed Heaths.

2.11.1 An access audit and collection of baseline data on the condition of tracks/paths across the heaths is underway. This will include photographic data.

2.11.2 Outputs from the work will include “traffic lighting” of tracks (to determine a priority schedule for maintenance and repairs) and also highlight and develop work schedules for areas that are threatened from an increase in visitor numbers.

3. Dawlish SANGS

3.1 The 26ha Dawlish SANG is progressing well. Local firm JTT Contracting Ltd won a competitive tender to deliver the access road, surface water drainage and car park for up to 60 cars. Shown in **Photo 3**, this work completed on 12th May 2017.

Photo 3. *Works completed on access road, drainage and car park.*



3.2 Transforming agricultural land into a Countryside Park involves a number of areas of work and a huge amount of progress has already been made. These have included Deer-proof fencing compounds which have been carefully located to preserve the expansive views.

3.3 Thousands of young native trees have been planted within the compounds and, as **Photo 4** shows, there has been planting of gaps in existing hedgerows and planting of new hedgerows, all protected with tree guards.

Photo 4. *New hedgerow planting.*



3.4 Almost a hundred larger trees have been also been planted, staked and guards fitted. A small orchard with individual timber and mesh guards have been constructed and planted with local varieties.

3.5 The majority of the former arable areas have been seeded with an appropriate grassland mix to allow for future wildflower planting. Other areas are being seeded with a grassland and wildflower mix, and some have been left to support nesting Skylarks this season.

3.6 Hedge banks and drainage ditches have been formed, as well as a graded trackway along the top of the site where visitors will be able to see the spectacular views.

3.7 Traditional hardwood gates, constructed by a local sawmill are due to be installed at various entrance points. Our Countryside Rangers will be constructing rustic benches and arranging signboards, as well as the installation of dog bins.

3.8 Work to implement the Marketing Strategy for Dawlish Countryside Park is underway. An opening festival event (“A Family Day Where Dogs Can Play”) is expected in early September which will target local residents and announce the formal opening of the SANGS.

Photo 5: *New fencing marks a park boundary*



Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
July 2017

Natural England comment:

We are encouraged that delivery has begun, particularly the appointment of 3 officers responsible for direct delivery of mitigation measures and securing of the first SANGS site. We still have slight concerns regarding the rate of delivery and whether this can be sustained or increased given that there was an initial focus on delivering measures perceived to be “quick wins”.



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

*Rebasing the South East Devon European Site
Mitigation Strategy – the strategic response.*

Neil Harris
Habitat Regulations Delivery Manager
July 2017

Legal comment/advice:

The principle of rebasing the Strategy with consequent revisions to the per dwelling charges is sound, as these funds are necessary to ensure that the mitigation detailed in the Strategy (being the mitigation measures necessary to ensure housing does not have a likely significant effect on the European Sites) is delivered. It will be for each of the partner authorities to agree to deliver the shortfall (addressed through the revised per dwelling contributions) from their CIL income / funds or, where applicable, by adopting a unified approach to securing non-infrastructure payments through separate legal agreements, to ensure that the correct sums of money are obtained to deliver the Strategy. Each authority will need to consider whether any reserve matter applications coming forward should be subject to the higher contribution (being the revised per dwelling charges) having taken their own legal advice on the issue.

Finance comment/advice:

The report and associated appendix detail significant financial issues with the recommendation for increase rates being substantiated within the report in accordance with the joint strategy. Each partner authority will need to be aware and consider the impact within its own authority and the necessary resources required to meet this obligation.

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

Recommendations

It is proposed that the Executive Committee:

1. Notes the work that has been undertaken to rebase the South-East Devon European Site Mitigation Strategy and acknowledges the significant deviations from the original assumptions that have been revealed.
2. Endorses the approach to mitigation for CIL exempt development.
3. Recommends that the revised per dwelling contributions (as per the report and detailed in Appendix 1) should be adopted by each of the partner authorities as soon as possible. The contribution rates to be index linked with an annual increase to be applied from April 2018; Infrastructure charges to be increased annually by BCIS (Building Cost Information Service) and non-Infrastructure charges to be increased annually by RPI (Retail Price Index).
4. Agrees the proposed arrangement to cover the shortfall in funding at Dawlish Warren (as detailed in paragraph 12) subject to the anticipated S106 receipts actually being received by Exeter City Council.

Equalities impact: Low

Risk: High. The paper sets out the work that has been undertaken to re-validate the core assumptions underpinning the Mitigation Strategy. It builds on work which revealed discrepancies between the quantum of new homes that will be making a full financial contribution to the delivery of the Strategy and that which was assumed when the Strategy was finalised in 2014. In order to ensure that there is a credible and secure financial approach which enables ongoing delivery, the paper outlines a revised financial position. To meet our legal obligations it is imperative that new per dwelling contributions based on re-validation of income, cost and expenditure are implemented by each of the partner authorities.

1. Summary

1.1 As previously reported¹, the South East Devon European Site Mitigation Strategy (“the Strategy”) is predicated on assumptions of the likely number of new homes that would come forward within the zones of influence of the three European sites and the potential cost of the mitigation measures (both on-site and off-site) needed to protect their integrity.

1.2 These assumptions have been re-validated in order to provide a credible platform for future financial decision making. The initial findings in the previous report (referenced in 1.1 above) indicated that the overall quantum of new housing development within respective local plan periods has not significantly changed.

¹ *Rebasing the South East Devon European Site Mitigation Strategy, March 2017*

1.3 However, there are significant deviations in the numbers of homes that are actually contributing financially, either in whole or in part, to the delivery of the Strategy. This report sets out a strategic response to the challenges presented by the re-validation and aims to achieve a greater level of consistency amongst the partner authorities.

2. Exemptions from CIL

2.1 It is a legal obligation that each partner authority adheres to the requirements of the Conservation of Species and Habitats Regulations, 2010 (as amended). Amongst other requirements, these regulations stipulate that, where likely significant effects (LSE) from development cannot be avoided, they must be mitigated for and no net impacts be permitted to occur on protected sites.

2.2 Through the Habitat Regulations Assessment (HRA) process, it is possible for particular types of development to be screened out, if it can be evidenced that they do not result in LSE. In the absence of mitigation, it cannot be concluded that the planned levels of housing would not result in LSE. They therefore require mitigation in order that they are legally compliant in proceeding.

2.3 Types of residential development such as affordable housing, brownfield, permitted development (such as office to residential) and self-build are exempt from the requirement to pay the Community Infrastructure Levy (CIL). In such cases, the need to mitigate the assessed LSE of residential development still remains. It is the mechanism by which authorities are (or are not) able to request developer contributions which is altered.

2.4 It is therefore recommended that all such development as outlined in 2.3, (above) is mitigated for. This requires a financial contribution as part of the Strategy. As these types of development are exempt from CIL (and in the absence of any other mechanism), this will mean using funds from wider CIL revenue at each partner authority.

3. Student accommodation

3.1 Purpose Built Student Accommodation (PBSA) in Exeter is not expected to make a contribution towards habitats mitigation.

3.2 Further to recent discussion with officers at the City Council, a draft Habitats Regulations Assessment covering the impact of student PBSA on protected sites has been undertaken. This concludes that PBSA has no discernible impact on the protected habitats and therefore none of the CIL contributions made in respect of PBSA are to be reserved for habitats mitigation.

4. Reserve matters

- 4.1 Work continues following receipt of a legal opinion which maintains that it is possible to secure enhanced habitat mitigation payments from Reserved Matters applications (i.e. over and above the level set out in the original outline permission).
- 4.2 Such options are considered appropriate only where there has been a material change in circumstances, such as the evidence base.
- 4.3 It is thought unlikely that this will apply to the majority of applications, as outline planning applications approved 2 years ago will already have had reserved matter applications in within this timescale.
- 4.4 Large, legacy planning applications may be affected and therefore it is possible that these applications could be reviewed. Counsel opinion to clarify this approach is under consideration.

5. Estimated cost of the mitigation measures

- 5.1 As part of the rebasing process, the estimated costs of delivering the mitigation measures has been re-examined, including opportunities for value engineering. It is important to ensure that such engineering does not undermine the purpose of the Strategy to enable the authorities to be certain of no net impacts to the protected sites.
- 5.2 As shown in Table 1, overleaf, a number of cost savings have been identified with the help of the Officer Working Group. These play a hugely significant role in ensuring the ongoing delivery of the Strategy and relieve an otherwise problematic financial burden on the partner authorities.
- 5.3 Work to review a number of other mitigation measures in the Strategy is ongoing and will be reported as and when completed.
- 5.4 The revised cost of delivery of SANGS is based on detailed research by Teignbridge District Council and remains the best available information at the time of writing. Cost efficiencies have been realised due to a variety of reasons including realisation of actual costs and changes in how the original figure was calculated.
- 5.5 Cost savings related to a vehicle for the Habitat Mitigation Officers (HMOs) have been achieved through a change in arrangements. The Strategy originally recommended leasing 2 separate vehicles and embedding each HMO more deeply with existing warden teams at Dawlish Warren and the Pebblebed Heaths. The HMOs now work as a team of 2 and therefore only require 1 vehicle. By outright purchase of a vehicle every 10 years as opposed to lease of 2 vehicles every year, this results in cost savings of an estimated £380,000 over an 80 year period.

Table 1. Cost savings (only) from the Strategy and Pebblebed Heaths Visitor Management Plan (VMP)

Project/measure	Strategy cost	Revised cost	Saving
Warden vehicle	£ 720,000.00	£ 340,000.00	£ 380,000.00
SEDESMS: Visitor numbers at set locations on all three sites	£ 80,000.00	£ 50,000.00	£ 30,000.00
SEDESMS: Visitor activities, motivation, profile and behaviour at all three sites	£ 80,000.00	£ 50,000.00	£ 30,000.00
Dawlish Warren: Carry out audit of information boards over whole of the area. As necessary re-design and add new boards	£ 67,500.00	£ 19,500.00	£ 48,000.00
Modifications of slipway at Mamhead to encourage users not to enter the estuary	£ 7,500.00	£ -	£ 7,500.00
PBH: Education work with schools	£ 93,160.00	£ 46,600.00	£ 46,560.00
PBH : Gorse management	£ 80,000.00	£ -	£ 80,000.00
PBH : Changes to car parks	£ 1,080,000.00	£ 500,000.00	£ 580,000.00
PBH: Combined bird monitoring & southern damselfly monitoring	£ 160,000.00	£ 80,000.00	£ 80,000.00
PBH : Visitor numbers	£ 160,000.00	£ 100,000.00	£ 60,000.00
PBH : Visitor interviews	£ 128,000.00	£ 80,000.00	£ 48,000.00
Total	£ 2,656,160.00	£ 1,266,100.00	£ 1,390,060.00

5.6 Following discussion with the Officer Working Group, there are two ways in which Strategy monitoring costs could be rationalised:

1. By following the frequencies suggested in the Strategy & VMP (monitoring every 5 years) for the first 20 years, it is felt that this would provide sufficient data to indicate how effective the approach has been – and allow enough time for refinement. By reducing subsequent monitoring to every 10 years thereafter, (instead of every 5), this ensures a more suitable frequency but still provides opportunities for ongoing review. This results in savings of an estimated £168,000.
2. As the Strategy and VMP both allocate funding for visitor monitoring to the Pebblebed Heaths, there is undoubtedly an element of unintentional double-counting. As a rough estimate, it would seem appropriate (after allowing for (1) above) to reduce the Strategy visitor monitoring allocation by a third, to account for this. This results in further savings of an estimated £33,000.

5.7 After consultation with the Senior Ranger at Dawlish Warren, it is proposed that funds be made available for the design & print of 3 new panels and funding to cover installation of 8 new boards with two replacements each (24 boards in total). Ongoing maintenance/replacement thereafter will be covered under site maintenance costs by TDC. This would save an estimated £48,000.

5.8 The Mamhead Slipway renovations in Exmouth are now complete. As part of the planning consents and as owners of the project, EDDC are required to fund and implement a specific mitigation strategy to satisfy the Habitat Regulations. As such, it is not appropriate for funding from the wider Strategy to be allocated towards this project. This saves £7,500.

5.9 Through discussion with Clinton Devon Estates (with, and as part of, the Officer Working Group), further value engineering in respect of the VMP has been achieved in respect of:

- Gorse management to control access to sensitive areas for wildlife. It has been agreed that this can be incorporated into existing management practises, saving an estimated £80,000
- Education work with schools to raise awareness of the importance of the heaths to children & their families. Agreement has been reached to scale back the scope of the project and contribute to the work of the existing Countryside Learning Officer. £46,560.
- Changes to car parks to prevent an increase in diffuse access across the heaths and concentrate access (and visitor management) at fewer access points. After considerable debate, it is currently proposed that instead of ongoing maintenance/improvement to a select number of car parks over 80 years, funds be made available for capital works to a number of car parks and that maintenance thereafter would fall to Clinton Devon Estates and/or the Pebblebed Heaths Conservation Trust. This would save an estimated £580,000.
- Combining the allocations for collating species monitoring data on birds and southern damselfly. Surveys are already undertaken for these species and there are plans for a more integrated management partnership on the Pebblebed Heaths. It is thought that such a partnership will be able to collate this data more readily. Combining the two funding streams will enable that work to continue, whilst saving an estimated £80,000.

6. Revenues

6.1 In addition to considering which costs can be rationalised, rebasing the Strategy allows the opportunity to account for any additional costs to be identified. Not part of the original Strategy, three new projects are recommended in recognition of their emerging importance.

6.2 An additional £41,000 towards the (3 year, fixed term) staff costs for the Project Officer (Devon Loves Dogs) has been accounted for. This is a “cross site” project, so costs have been allocated equally between the three protected sites.

6.3 Subject to the outcome of the proposals to create Wildlife Refuges in the Exe Estuary, it is considered appropriate that funding to mark the areas with buoys should be made available. This is considered critical to the success of these areas, should they be implemented. £30,000 over 20 years has been allocated (50:50 from Exe and Warren zones of influence).

6.4 Again, should the Wildlife Refuge proposals be approved, it is essential that it is clearly understood whether the new areas function as intended. As such, it is considered appropriate to allow for a specific monitoring programme to be established. Following introductory talks with an ecological consultant, this has been estimated at £30,000 for a 3 year period (50:50 Exe and Warren zones). However, funding should be reviewed annually in light of the results, as it may indicate that further monitoring is not necessary.

6.5 The projects outlined above total an estimated £101,000, which means that final revised Strategy cost savings will be £1,289,060, down from £1,390,060.

7. Consistent charging rates

7.1 In October 2014, Exeter City Council took the decision to reserve a smaller contribution (£220 as opposed to £477) towards SANGS costs from dwellings coming forward in “South (A)” and “West (B)” zones. This was based on officer cost estimates for SANGS improvements at Riverside and Ludwell Valley Parks.

7.2 A standardised per dwelling contribution lies at the heart of the concept of strategic SANGS delivery across the three partner authorities. Now that the cost (and location) of SANGS and the rebasing of the Strategy are more accurately understood, it is recommended that standardised SANGS contributions are re-adopted.

7.3 Work by the City Council has identified that 68 dwellings have been subject to the lower SANGS contribution in these zones. Further work will be required by each partner Council to authorise the revision of SANGS and on-site contributions.

8. The challenge

8.1 As identified in the March 2017 report, significant discrepancies have been revealed in how many dwellings do or do not contribute towards the Strategy.

8.2 In terms of addressing the challenge this poses, work to re-evaluate the costs of mitigation as well as recalculating developer contribution requirements has been undertaken.

8.3 The shortfalls identified have been greatly reduced via the reappraisal of mitigating CIL exempt development, standardising SANGS contributions and identifying cost savings where possible. Table 2, below, illustrates the scale and scope of the remaining challenge.

Table 2. *Projected income vs estimated costs; shortfall*

Mitigation type/area	Revised cost	Reported income	Shortfall
SANGS	£6,381,254	£5,471,753	£909,501
Dawlish Warren	£2,541,754	£1,796,980	£744,774
Exe Estuary	£3,406,189	£2,483,668	£922,521
Pebblebed Heaths	£3,127,067	£2,271,686	£855,381
Total	£15,456,264	£12,024,087	£3,432,177

9. Future dwellings

9.1 Discussion between senior officers at the partner authorities has centred on inconsistencies in how the impacts of development are mitigated and the most appropriate ways to address the anticipated shortfalls.

9.2 It would seem appropriate to focus on “future” dwellings at each authority to address these shortfalls. This is development identified within respective Local Plan allocations which do not have planning permission and therefore could have revised per dwelling contributions applied. This mirrors the approach taken when revised charges were introduced after the completion of the Strategy (after the Joint Interim Approach).

9.3 Each of the partner authorities have supplied estimates of “windfall” housing whereby sporadic development occurs outside of Local Plan allocations. These estimates are based on historic rates.

10.0 Revised per dwelling contributions & In perpetuity considerations.

10.1 After taking into account reported income, revised costs and future dwellings, it is possible to calculate revised per dwelling costs. The shortfalls are divided by the number of future dwellings to provide a new per dwelling contribution, which must be added to the original strategy contribution.

10.2 The tables in Appendix 1 show the calculations for revised per dwelling contributions from future dwellings to meet revised cost estimates for both on and off site mitigation.

10.3 The Strategy took a simple approach to calculate in perpetuity costs, multiplying estimated annual costs (where appropriate) by 80 to give a total cost. It states:

“The costings table does not take account of inflation or discounting and is approximate, the intention to provide an overall indicative cost for the different elements proposed.”²

10.4 The work to rebase the Strategy now offers an important opportunity to introduce revised costs which are index-linked into the future. The contribution rates are to be index linked with an annual increase to be applied from April 2018; Infrastructure charges to be increased annually by BCIS (Building Cost Information Service) and non-Infrastructure charges to be increased annual by the RPI (Retail Price Index). Costs and income will be monitored against the rebased position and any significant variations reported to the Committee. It is envisaged that a full review of future costs, housing numbers and charges will be revisited every 3 years to ensure mitigation is provided and allowed for in perpetuity.

11. Infrastructure and non-infrastructure.

11.1 Both Teignbridge and East Devon District Councils have split Habitat Regulations developer contributions into infrastructure (CIL) and non-infrastructure (S106 obligations) components. Furthermore, agreement has been reached in the definition of infrastructure as it relates to the Strategy. For simplifying delivery of the Strategy and where there is concern regarding implications for CIL revenue, it is recommended that a consistent approach is adopted by all partner authorities.

12.1 The revised per dwelling costs will be split into infrastructure and non-infrastructure costs by each partner authority. This will enable the prioritisation of CIL revenues and set the amount required through S106 obligations (where appropriate).

² South East Devon Mitigation Strategy, June 2014, 14.36 pg. 215

12. Dawlish Warren – proposed arrangement

12.1 According to current arrangements, previously agreed by the Executive Committee, TDC are forward funding both the SANGS at Dawlish and at South West Exeter. Combined costs are:

- For Dawlish SANGS, TDC have/will pay up to £2,923,000 from existing funds and through forward funding.
- £643,000 repayment has been agreed by the other partners, which leaves the remainder funded by TDC : £2,280,000
- At South West Exeter, TDC have agreed forward funding on behalf of the other partners of £1,660,000.
- Total funded element from TDC is £2,280,000 + £1,660,000 = £3,940,000

12.2 At the same time, up to £775K needs to be found to address the on-site funding shortfall at Dawlish Warren. Rather than increase per dwelling S106 contributions for that zone of influence, it is proposed that the shortfall is met with a proportion of the surplus repayments required to meet the agreed SANGS contributions.

12.3 In principle, it seems appropriate that funds secured during the Joint Interim Approach (JIA) could be used to fill this gap. As shown in Table 3, below, records show that ECC has secured £834,862 in JIA funds (although a large proportion of this remains to be banked), which could serve the purpose. ECC JIA monies are the most likely candidate because associated S106 terms are not site specific and Exeter's habitat mitigation continues to be funded only through CIL.

Table 3. Proposed arrangements for covering the shortfall in on site mitigation funding at Dawlish Warren:

	Dawlish	SWE	Total
TDC Forward funding	£2,962,000	£1,660,000	£4,622,000
TDC SANGS requirement (rebased)			£1,633,478
TDC SANGS "overpayment"			£2,988,522
DW Shortfall			£744,774
ECC JIA funds			£834,862

12.4 This arrangement would not see any increase in the funding required by ECC. The implications are that the majority of JIA funds expected at ECC would be used to cover the shortfall in on site mitigation funding at Dawlish Warren.

12.5 These funds would account for a part of the contribution to repaying TDC's SANGS forward funding – but would be used to cover the on site mitigation shortfall at Dawlish Warren.

12.6 This would require that the equivalent amount of CIL revenue at ECC was reserved for the on site mitigation for which the JIA funds would otherwise be used.

Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
July 2017

Natural England comment:

We are pleased to see that this issue is now being addressed and strongly advise that the committee endorse the proposed recommendations in order that the funding shortfall can be rectified as quickly as possible.

You should also note the considerable reduction which has been achieved in the estimated overall cost of delivery of the mitigation measures, without which the additional cost to each authority of meeting that shortfall would be far greater.

We welcome the proposals to ensure future consistency of contribution rates across the 3 authorities. However, it is not clear from the paper whether this will be “backdated” to cover previous permissions which were granted with zero or a reduced contribution rate and whether this might further reduce the remaining shortfall.

We also strongly urge the 3 authorities to implement revised index-linked charging rates and revised contribution rates at Reserve Matters stage as a matter of urgency.

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Habitat Regulations Executive Committee

Rebasing the SEDESMS – the strategic response – Appendix 1: Revised per dwelling contributions.

Table 1. Revised per dwelling contribution – SANGS.

SANGS Cost	£6,381,254
SANGS Income	£5,471,753
Shortfall	£909,501
Future dwellings	5680
Cover shortfall – per dwelling	£161
Existing contribution	£477
New per dwelling contribution	£638

Table 2. Revised per dwelling contribution - Dawlish Warren (and Exe).¹

On site costs	£2,541,754
Income	£1,796,980
Shortfall	£744,774
Future dwellings	596
Cover shortfall – per dwelling	£1,250
Existing contribution	£820
New per dwelling contribution (EXE only)	£221
New per dwelling contribution (DW & EXE)	£2,291

¹ Revised SANGS costs to be added as per Table 1

Table 3. Revised per dwelling contribution – Exe Estuary.²

On site costs	£3,406,189
Income	£2,483,668
Shortfall	£922,521
Future dwellings	9424
Cover shortfall – per dwelling	£98
Existing contribution	£123
New per dwelling contribution	£221

Table 4. Revised per dwelling contribution – Pebblebed Heaths (and Exe overlap)³

On site costs	£3,127,067
Income	£2,271,686
Shortfall	£855,381
Future dwellings	7038
Cover shortfall – per dwelling	£122
Existing contribution	£149
New per dwelling contribution (PBH only)	£271
New per dwelling contribution (EXE only)	£221
New per dwelling contribution (PBH & EXE)	£492

² Revised SANGS costs to be added as per Table 1

³ See (2)



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Pebblebed Heaths Visitor Management Plan

Neil Harris – Habitat Regulations Delivery Manager
July 2017

Legal comment/advice:

Should the HREC adopt the Pebblebed Heath Visitor Management Plan then this will form part of the mitigation measures required to mitigate the impact of housing growth. The legal implications that relate to the delivery of the Strategy then apply equally to this Plan. In that sense the measures outlined, where appropriate, should form part of the 5 Year Delivery Programme and Annual Business Plan. Otherwise there are no direct legal implications arising.

Finance comment/advice:

The financial implication have been factored into other reports contained within the agenda.

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

Recommendation

It is proposed that the HREC adopts the Pebblebed Heaths Visitor Management Plan, noting that estimated costs have been adjusted as part of recent rebasing work (outlined in the separate report “Rebasing the SEDESMS – the strategic response”).

Equalities impact: Low

Risk: High

As an extension of the South East Devon European Site Mitigation Strategy, if the Pebblebed Heaths Visitor Management Plan is not endorsed, there is a high risk that the delivery of the 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 summarises the requirement for the Pebblebed Heaths Visitor Management Plan (VMP) as a partial replacement of (and addition to) the South East Devon European Site Mitigation Strategy (“the Strategy”).

1.2 Implications for per dwelling developer contributions at Exeter and East Devon have been incorporated into the work to rebase the Strategy.

1.3 As outlined in the separate report “Rebasing the SEDESMS – the strategic response”, some of the recommendations in the VMP have been rationalised following consultation with Clinton Devon Estates and other partners including Natural England and RSPB. This is in the interest of ensuring ongoing delivery of an effective and efficient Strategy, based on a credible and secure financial position.

2. Background

2.1 The original Strategy recommends a number of onsite mitigation measures for the Pebblebed Heaths and also recommended further work:

“8.55 There is no existing overall visitor management plan for the Pebblebed Heaths although site managers are well aware of the issues and visitor management is addressed in the RSPB management plan.

However, any measures which relate to the whole of the Pebblebed Heaths, such as management of parking, will need to consider the issues across the whole site if a strategic approach is to be inclusive and holistic. If not, then measures taken in one part of the site such as closing casual parking areas, will impact somewhere else as visitors move to park on another part of the site... Any visitor management plan will therefore be concerned with measures to manage access, not restrict it.”

“8.56 A strategic visitor management plan will need to be led by the Pebblebed Heaths Conservation Trust with inputs from RSPB and other owners. Information...is available from the Ecology Solutions report (2012), but additional information on the ownership and condition of car parks and parking spaces will be needed together with further information on the visitor patterns within the site.”¹

2.2 East Devon District Council commissioned Footprint Ecology to produce the Pebblebed Heaths Visitor Management Plan in February 2015, on behalf of the partner authorities. The final version was received on 18.01.17 and fulfils the components relating to the Pebblebed Heaths within the wider Strategy .

¹ South East Devon European Site Mitigation Strategy, June 2014, pg. 152

3. Method and key results

3.1 The report uses visitor surveys and predictions of the distribution of recreational use within the site to provide recommendations for future management.

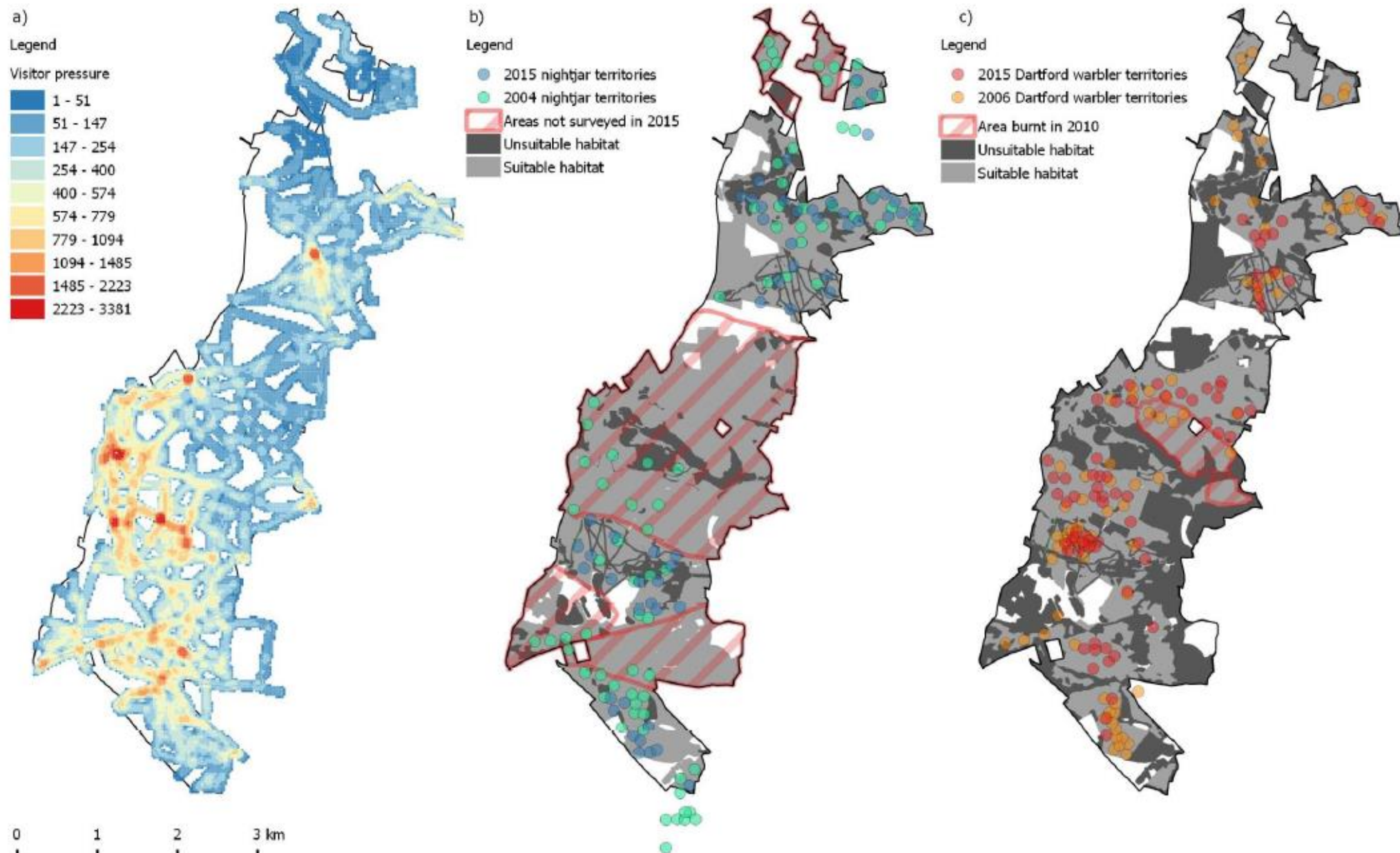
3.2 Visitor surveys involved questionnaire work at 12 locations in the spring and summer 2015. Key results of these surveys were:

- Nearly three-quarters of all interviewees were visiting to walk their dog. Other activities included walking, cycling, wildlife watching, jogging and family outings.
- Many visitors had been visiting the Pebblebeds for a long time: over half of interviewees had been visiting the location where interviewed for at least 10 years.
- Most interviewees visited at least weekly. There was some evidence that regular visitors tended to avoid the main honeypots such as the Warren car park (on the Pebblebed Heaths).
- The majority of interviewees had travelled to the interview location by car or van.
- The 'scenery/variety of views' was the most commonly given reason for the choice of site. Other common factors included 'good for dog/dog enjoys it' and the 'ability to let dog off lead'.
- Other sites visited by interviewees were often also within the Pebblebeds. The Exe Estuary (including Topsham, Lympstone, Exmouth seafront etc.) was the most commonly named destination outside the Pebblebed Heaths.
- Nearly half of all the people interviewed were not aware that there was any environmental protection or designations that applied to the Pebblebeds and few interviewees were aware of important species or habitats (for example around a third could not name a habitat or species for which the Pebblebeds are important).
- When asked about access restrictions most interviewees were aware that lighting fires and wild camping were restricted. Relatively few were aware of restrictions relating to the number of dogs walked or the need to keep dogs on leads during the breeding. For dog fouling around three quarters were aware of a requirement to pick up.
- Routes were mapped for most interviewees and showed an average distance (all activities, all locations) of just over 3km. There were significant differences between activities, with cyclists doing the longest routes and family outings and dog walking being the shortest.

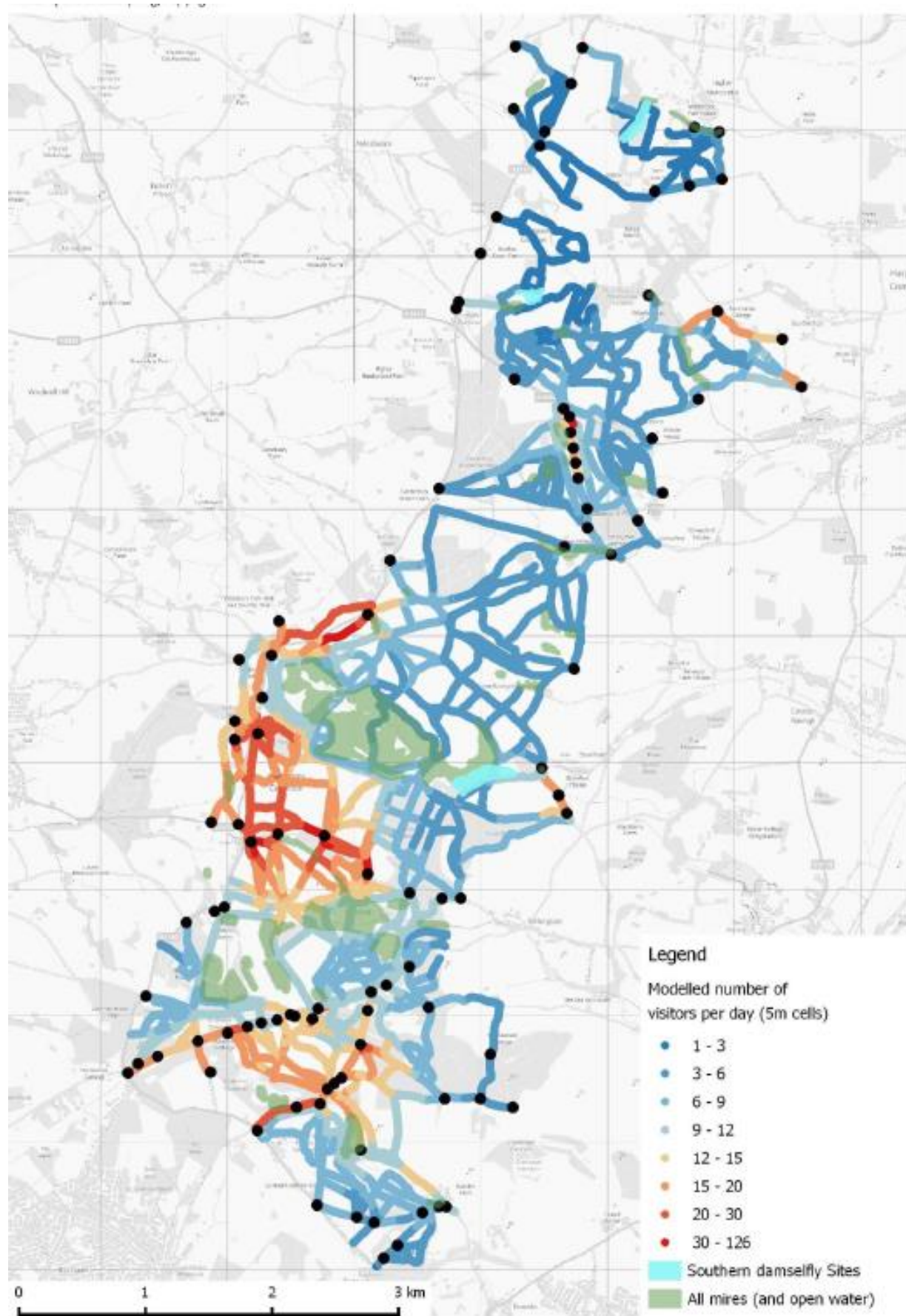
3.3 The surveys enabled an understanding of visitor use and distribution across the Pebblebed Heaths. This was coupled with information on the conservation interest features (where populations of Nightjar, Dartford Warbler and Southern damselfly are present) of the Heaths to create a visitor model which helped to inform future management recommendations.

3.4 Map 1, below, shows the distribution of visitor pressure compared to Nightjar and Dartford warbler territories. Map 2 shows visitor pressure with Southern Damselfly sites and mires (areas of wet or boggy heath) overlaid.

Map 1. (a) Distribution of visitor pressure, with (b) Nightjar and (c) Dartford warbler territories



Map 2 Visitor pressure with Southern Damselfly sites and mires (areas of wet or boggy heath) overlaid.



4. Recommendations

4.1 A range of management measures were drawn up and were subjected to a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis, according to the following criteria:

- Cost
- Ease of implementation
- Support/popularity with visitors/user groups
- Likelihood of success
- Overlap with other measures
- Effectiveness over time
- Geographic scale (i.e. if relevant to all Pebblebeds or a specific location)
- Likely opportunity (linked to existing management, on-going projects, new projects etc.)
- Views of site managers, land owners etc.

4.2 The analysis was then used to suggest priority mitigation measures to inform discussion with representatives from partner organisations and the project steering group. The discussions sought consensus as to which measures were most appropriate and would fit with existing management and with the aspirations of the relevant organisations. Following these discussions, components of the plan were identified and then developed in more detail and costed.

4.3 Recommendations for the long term management of access concentrate on influencing visitors' behaviour and ensuring the site is more robust in terms of its ability to absorb recreation pressure. The measures focus recreation rather than allowing diffuse recreation over the entire site, aiming to improve how recreation is managed rather than draw more visitors to the area.

4.4 Priority measures are shown in Appendix 1 and include:

- Provision of additional dog bins
- Codes of conduct
- Educational work with schools
- Interpretation boards
- Detailed material for internet use
- Signs directing people
- Signs regarding appropriate behaviour
- Boardwalks/path surfacing
- Changes to car parks
- Maps highlighting routes (as to avoid sensitive areas)

4.5 As with the original Strategy, monitoring is integral to the efficacy of the plan and a number of specific monitoring projects are recommended. These are:

- **Birds:** Monitoring at regular intervals (say every three years) should ensure that data on breeding areas for important species across the Pebblebed Heaths are collected and systematically mapped into a single GIS layer covering the Special Protection Area.
- **Visitor numbers:** Car-park counts are important. We suggest that car-park counts are undertaken regularly covering all the parking locations across the Pebblebeds.... the Pebblebed Heaths Trust do have counters on some main car-parks and as far as possible these should be kept running and additional counters installed as appropriate.
- **Erosion and path width:**fixed point photography and measurement of path width (bare ground) at set locations. These should be around the edges of mires (areas of wet or boggy heath) and across the mires themselves. Photographs may work from a distance but should also include close-ups showing extent of gullyng on the path. Such monitoring would help inform where (and when) path surfacing might be required.
- **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.....such work should be undertaken as needs dictate – potentially in response to the need to establish some of the secondary measures or once elements such as the wardening have become established.

4.6 The plan also identifies a number of secondary measures, which are the most expensive measures or ones with particular challenges to deliver. They include measures that are warranted only if other measures fail and also measures that are perhaps dependent on other opportunities (for example expensive measures that are not justified in being funded in their entirety through developer contributions).

5. Funding

5.1 The Visitor Management Plan builds on and effectively supersedes the mitigation measures listed in the Strategy for the Pebblebed Heaths (projects 37-48, Table 22, pgs. 221-2).

5.2 Notwithstanding rebasing work on the original Strategy, the increased project costs from the VMP would have required a review of developer contribution rates in zones for Exeter and East Devon. However, the two work streams are aligned and so it is logical to include the VMP in the wider review².

Neil Harris

Habitat Regulations Delivery Officer

South East Devon

Habitat Regulations

Executive Committee

July 2017

Natural England comment:

We support the recommendations made.

² See separate report "Rebasing the SEDESMS – the strategic response" July 2017

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Habitat Regulations Executive Committee

Pebblebed Heaths Visitor Management Plan – Appendix 1: Priority measures¹

	Measure	Capital Cost	Running cost per annum	Number of years to budget for	Total Cost (80 years)	Notes	Timing/Cross-reference
A	Dog Bins	£3,500	£3,370	80	£273,100	May be scope to reduce costs number of years required	Enforcement powers (O) potentially established simultaneously even if not necessarily used
B	Face-face wardening		£23,333.33	80	£2,916,666	Produced for mountain biking/cycling, horse riding, dog walking and other activities.	Should be undertaken simultaneously with P and Q. Linked also to dog project
C	Codes of Conduct	£6,000			£6,000	Including targeting schools associated with new development	
D	Educational work with schools	£4,000	£8,916	10	£93,160		
E	Interpretation Boards	£64,800			£64,800	Ten boards, costs allow for replacement so capital costs could essentially be spread over time	Potentially coordinated with N to ensure in right location
F	Detailed material on the web	£5,000			£5,000		Outputs from C, P and Q placed on website as available
G	Liaison with local groups	Costs incorporated into other measures, e.g. wardening					
H	Direct contact with local clubs/groups	Costs incorporated into other measures, e.g. wardening					
I	Gorse management		£1,000	80	£80,000	Linked to promoted routes	Established in conjunction P and Q
J	Signs directing people	£6,500			£6,500		Linked to codes of conduct (C)
K	Signs asking visitors to behave differently	£6,600			£6,600		
L	Off-site events	Costs incorporated into other measures, e.g. wardening					
M	Boardwalks/path surfacing	£95,000			£95,000		
N	Changes to car-parks		£13,500	80	£1,080,000		See B
O	Enforcement by wardens	Costs incorporated into other measures, e.g. wardening					
P	Dedicated routes promoted	Costs incorporated into other measures, e.g. wardening					
Q	Maps highlighting routes and sensitive areas	£1,500			£1,500		
R	Spraying/flags to highlight dog fouling issue	Costs incorporated into other measures, e.g. wardening					

¹ Important note: costs have changed following review – see separate report “Rebasing the SEDESMS – the strategic response” July 2017

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SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

2017-18 Annual Business Plan

Neil Harris, Habitat Regulations Delivery Manager
July 2017

Legal comment/advice:

It is a requirement each year for the HREC to agree the Annual Business Plan as this underpins the 5 year Delivery Programme and helps ensure overall delivery of the Mitigation Strategy. Once approved the Delivery Officer can pursue the projects set out in the Annual Business Plan without recourse to the HREC. Accordingly, provided the HREC is satisfied with the intended projects to be delivered through the Business Plan then approval should be given to enable the identified mitigation measures to be delivered. In approving the Business Plan the HREC is only agreeing to the headline principles of the mitigation set out and 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 Delivery Officer on a project by project basis. The changes to the Business Plan 'year' to align with budget reporting makes sense and should be supported.

Finance comment/advice:

The financial implications are contained in the report and have been taken into account into the overall financial requirement and the revised charging proposal in the rebasing report.

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

Recommendations

It is proposed that the Executive Committee:

1. Approves the 2017 Annual Business Plan (Appendix 1) and commitments and actions set out therein.
2. Approves changes to the operational year as specified in the report.
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 2017-18 Annual Business Plan is 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 their 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 (ABP).

1.2 Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the European sites will not occur. Projects should therefore adhere to the National Planning Policy Framework (NPPF) principals for applying planning conditions¹

1.3 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.

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

¹ Paragraph 206, National Planning Policy Framework

1.5 Measures recommended in the 2017-18 ABP seek to maintain and build on the projects delivered as part of the 2016-17 plan. The recommendations therefore include continued commitment to revenue costs of established, ongoing projects (such as the Delivery Manager, Habitat Mitigation Officers and Project Officer (Dogs)).

1.6 A number of new projects from the Strategy are also recommended. The timing of delivery of these projects is guided by the 5 Year Business Plan² and where there is logic or merit in the sequential, co-ordinated delivery of mitigation projects (such as the Exe Estuary zonation consultation work leading to design of interpretation boards and signage), seeks to build on work already completed (or due for completion).

1.7 A change in the operational “year” for the business plan is also recommended, in order to align the operational year to the financial year. This will mean a shortened business plan year for 2018-19. Currently running from June-June, it is proposed to run the 2018-19 ABP from July – March and the 2019-20 ABP (and those thereafter) to run from March-March.

Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
July 2017

Natural England comment:

We support the continuation of funding for the existing measures and are broadly supportive of implementing the proposed new measures. However, this is subject to the commitment to review and refine those relating to the Exe Estuary which are dependent upon the conclusion of the zonation and codes of conduct work currently underway.

² Appendix 2 – Annual Business Plan and 5Yr Delivery Programme – June 2016

Habitat Regulations Executive Committee

Appendix 1: 2017-18 Annual Business Plan (ABP).

Summary.

1.1 Projects outstanding from the 2016-17 Annual Business Plan (ABP) are reported separately.¹ **Table 1**, below, shows mitigation measures from the 2016-17 recommended for ongoing (or increased) commitment as part of the 2017-18 ABP.

Table 1. *Ongoing mitigation recommended as part of the 2017-18 ABP*

Site	Measure	Capital cost	Revenue Cost	Total
Cross Site	Delivery Manager	£0	£40,000	£40,000
Cross Site	Two Habitat Mitigation Officers	£0	£68,000	£68,000
Cross Site	Warden vehicle	£0	£2,000	£2,000
Cross Site	Dog project	£2,000	13,800	£15,800
Exe Estuary	Patrol boat	£0	£7,000	£7,000
Pebblebed Heaths	Maps highlighting sensitive areas	£2450 ²	£0	£2,450
Pebblebed Heaths	Dog bins	£0	£2,870	£2,870
	Total	£ 4,450	£ 133,670	£ 138,120

Proposed spend: Up to £135,670 ongoing commitment towards key projects established in the 2016-17 ABP. An additional £2,450 to be made available towards the cost of mapping promoted routes and highlighting sensitive areas. (Increase in cost from results of competitive tendering process undertaken by Clinton Devon Estates).

¹ 2016-17 Annual Business Plan – Annual Report, July 2017

² Strategy estimate was £1,500. This is the lowest quote out of 3 designers approached - but represents an overspend of £2,450

Table 2, New mitigation measures recommended as part of the 2017-18 ABP

Site	Measure	Capital cost	Revenue Cost	Total
Dawlish Warren	Carry out audit of information boards	£11,500	£0	£11,500
Dawlish Warren	BBQ info at local retailers	£2,000	£0	£2,000
Dawlish Warren	Removal of Dog Control Order	£2,000	£0	£2,000
Dawlish Warren	Byelaw preventing fires and barbeques in buffer zone	£2,000	£0	£2,000
Exe Estuary	Update signs at public slipways*	£40,000	£0	£40,000
Exe Estuary	Disturbance monitoring*	£10,000	£0	£10,000
Exe Estuary	New interpretation boards (five boards)*	£12,500	£0	£12,500
Exe Estuary	Procurement, installation and maintenance of buoy markers.*	£5,000	£0	£5,000
Pebblebed Heaths	Codes of conduct	£4,000	£0	£4,000
Pebblebed Heaths	Boardwalks/Path surfacing	£10,000	£0	£10,000
	Total	£99,000	£0	£99,000

* Project implementation/brief dependent upon outcome of Exe Estuary zonation review proposals.

2. Delivery Manager

2.1 It is the role of the Delivery Manager to organise and implement the approved Annual Business Plans, report progress to the Executive Committee, co-ordinate delivery of the Strategy, liaise with the Officer Working Group and undertake ongoing review of the Strategy.

2.2 The 3 year contract for the post is currently scheduled to end in spring 2018. At the June 2016³ meeting of the Executive it was considered that this should be reviewed to ensure continued delivery of the Programme. The Strategy allocates budget for this post to cover the initial 5 year period (thereafter subject to review).

Proposed action: Extension of the Delivery Manager contract to cover the full 5 year period, to be reviewed in June 2020.

³ <http://eastdevon.gov.uk/media/1795827/290616-south-east-devon-hrec-minutes.pdf> (Item 6)

3. Carry out an audit of information boards (Dawlish Warren)

3.1 Interpretation boards, signs and leaflets are widely used around the UK at nature reserve sites and are an important means of conveying information to visitors. They help to enhance visitor understanding of a site, its importance and whether any statutory restrictions are in place.

3.2 There are currently a number of different information boards at Dawlish Warren, including those for the reserve, and those for the whole site, which offer visitors rather piecemeal information.

3.3 Ideal locations should be identified, and will depend on how access into the reserve is managed. All key access points should have an information board (including boat access at Warren Point).

3.4 All boards should convey accurate information about the reserve, buffer zone, golf course and clearly show where the resort area ends and the areas important for wildlife start. The boards should indicate where byelaws operate. Information on the special interest of the site and codes of behaviour should be included. The boards could be styled to match the ones for the Exe Estuary (see XX below).

Proposed spend: Up to £11,500, comprising up to £7,500 for the design of 3 new A0 outdoor panels (£2,500 each). Up to £4000 for the replacement of timber framed boards to hold the panels (£500 each). See also “cost savings” in separate report⁴.

4. Make information available in local retail outlets selling barbeques so that potential buyers know they cannot use them at Dawlish Warren

4.1 There are various approaches used to communicate widely with people living around important sites and with people planning visits. Websites, leaflets, and direct contact (people answering emails and other inquiries) provide detailed information for sites around the UK.

4.2 It should be possible to approach local retailers to assist with communication with specific user groups. This includes asking outlets in Dawlish Warren village stocking barbeques to display a sign alerting customers that there are byelaws in place preventing the use of barbeques at Dawlish Warren.

Proposed spend: Up to £2,000 towards the cost of design and print of a small poster.

⁴ *Rebasing the South East Devon European Site Mitigation Strategy – strategic response July 2017*
Appendix 1 2017-18 Annual Business Plan

5. Remove dog control order (use of leads) in buffer zone outside Dawlish Warren Special Area of Conservation (SAC).

5.1 The current byelaw which requires dogs on leads in this area is not considered enforceable by wardens. If enforcement was required here it is considered that it would detract from other, more important duties on the SAC itself.

Proposed spend: Up to £2,000 towards the cost for consultancy support fees, legal advice, administration etc.

6. Adopt byelaw preventing fires and barbeques in buffer zone

6.1 There is potential to manage the area of land immediately west of Dawlish Warren National Nature Reserve, to reduce pressure on the designated site. Part of this area, known as the 'buffer zone' comprises fixed dune grassland and scrub, crossed by two board walks facilitating access to the beach. The other part is a large, surfaced car park.

6.2 Although degraded in parts, due to excess trampling pressure and dog fouling, the buffer zone includes plant species of interest and is designated a County Wildlife Site. There is the potential for the buffer zone and car park to be enhanced. This could make the SAC more robust by enhancing the quality of the adjacent habitat, relieving pressure on the SAC itself, and allowing access onto the SAC to be better managed.

6.3 The adoption of a byelaw to prevent fires and barbeques in this area would help to prevent wildfires which may spread into the SAC.

Proposed spend: Up to £2,000 towards the cost for consultancy support fees, legal advice, administration etc.

7. Exe Estuary - Update signs at public slipways, new interpretation boards (five boards), and dedicated signs relating to kitesurfing and windsurfing

7.1 There are existing interpretation and signs setting out information for users, byelaws, etc. around the estuary. These include signs setting out beach safety information and have (in the past) included information relating to codes of conduct for activities such as kitesurfing.

7.2 It is appropriate to establish up-dated signs at strategic points around the estuary, in line with the revised codes of conduct and, if appropriate, revised zones. The signs should clearly set out how users should behave, with maps indicating particular zones, launching points, etc. These signs should match the code of conduct leaflets/web pages in terms of style, branding, etc. Particularly important locations would include:

- Each of the public slipways with general signage relating to speed, zones, etc. These should indicate no-landing zones and show the roost areas at Dawlish Warren as a 'no go' area.
- Dedicated signs relating to kitesurfing and windsurfing at the Imperial Recreation Ground and at the Maer.

7.3 The aim is to decrease disturbance by increasing users' awareness of zoning, codes of conduct and speed limits.

7.4 New interpretation boards would also be useful at the Imperial Recreation Ground, at Lympstone (by the Courtlands slipway), at Exton, Topsham (Goat Walk) and possibly at the Turf. These signs should highlight the importance of the estuary and the wildlife present in an inspiring way, and also provide information on what (in general) people can do to help protect the site, for example through keeping dogs off the mudflats and not driving below the seawall.

Proposed spend: Up to £2,000 per sign (20 signs) at each of the public slipways. Up to £2,500 per sign (7 signs) for new interpretation boards.

8. Disturbance monitoring on the Exe

8.1 Monitoring is essential to ensure the successful delivery of the mitigation work. Monitoring is necessary to ensure approaches are working as anticipated and to identify whether further refinements or adjustments are necessary.

8.2 A recommendation concerning revised zoning in the Exe Estuary is scheduled to be presented to the Executive Committee in October 2017. Depending on the decision made at that time, it is recommended that funding for a specific monitoring programme to determine the effectiveness of any zone revision is available, should it be required. The results of monitoring over a one year period should provide an indication as to whether further monitoring is necessary.

Proposed spend: If required, up to £10,000 for disturbance monitoring on the Exe Estuary.

Appendix 1 2017-18 Annual Business Plan

9. Pebblebed Heaths – Codes of conduct

9.1 Codes of conduct set out clearly how visitors are expected to behave. Codes of conduct could be developed for horse riding, mountain biking (and other cycling), dog walking and events. The codes would be applicable across the Pebblebeds and should have a consistent theme and branding, matching that used elsewhere around the Pebblebeds (i.e. on signs, wardens' vehicles etc.). This ensures clear links for visitors and a consistency across all measures.

9.2 Ideally the codes of conduct would be designed so that they work on both printed material and the internet and the four codes of conduct should fit together (potentially so they can be given out as a pack or individually).

9.3 Codes of conduct need careful development with local stakeholders and site managers. Dr Sam Bridgewater of the Pebblebed Heaths Conservation Trust is drafting new codes for the review of the Officer Working Group. Good graphic design work will be needed to ensure the key messages are clearly communicated. Ideally the reasons why particular behaviours are necessary should be made clear.

9.4 Codes of conduct can be distributed by the wardens while they are out, providing the wardens with something they can physically pass across to visitors that gives clear guidance on how they should behave. The codes of conduct would also be given out at events and posted on the web. Wider circulation (e.g. at vets, suppliers such as cycle shops etc.) would also be relevant.

Proposed spend: Up to £4,000, assuming design, production and print of 4 codes of conduct suitable for printing and on-line viewing.

10. Pebblebed Heaths – Boardwalks/Path surfacing

10.1 Bare ground is an important feature of heathland and is used by invertebrates, reptiles & amphibians and some rare plants. Wear from feet, bicycles and horses hooves can create and maintain bare ground features, but if too heavy there is the risk of damaging any interest. Furthermore, once vegetation is lost there is the risk of substrate being washed into mires and damaging wetland habitats and interest features and the paths themselves becoming shallow trenches.

10.2 There is therefore a difficult balancing act in terms of the management of paths and bare ground. Preventing footfall or concentrating footfall to very limited areas results in a loss of bare ground habitat. Path surfacing often damages the habitat and renders it useless for many species. Providing a boardwalk or similar raised walkway in wet areas or where run-off is a particular problem may resolve issues, but needs careful assessment on the ground.

10.3 Such raised walkways reduce erosion risk but may be difficult for certain users such as horse riders (as such the presence of such features might deter horse riders and discourage further damage). With increasing access, bare ground components of the Pebblebed Heaths will need to be monitored and consideration given to creation in areas away from heavy trampling.

10.4 The Visitor Management Plan identifies some areas that are adjacent to mires and where there appears – from aerial photographs – to be issues with paths currently spreading and erosion occurring. These areas are shown in Map 1 (next page) alongside modelled predictions of current access. All the areas highlighted have moderate footfall or are adjacent to areas with moderate footfall. They might therefore be considered vulnerable in the future.

10.5 Careful assessment of these areas by site managers is required and it may be that some areas would not benefit from intervention now or would be best monitored and interventions undertaken as necessary in the future. On-the-ground assessment will need to decide on optimum design and materials to be used. The total length of areas marked in yellow on **Map 1** is 600m.

10.6 It is expected that results from the path width and erosion monitoring approved in the 2016-17 ABP will be used to inform an initial work programme. Areas identified by the monitoring as being at highest risk will be targeted first.

Proposed spend: Up to £10,000 for installation of boardwalks and/or path surfacing along highly eroded sections of track and path. To be informed by the results of the path width and erosion monitoring and guided by the areas identified in the Visitor Management Plan (shown in Map 1, below).

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South East Devon
Habitat Regulations
Executive Committee
July 2017

Map 1: Potential locations for boardwalks on the Pebblebed Heaths and relative density of visitors per day (as per model). Source: Pebblebed Heaths Visitor Management Plan, Footprint Ecology, Jan 2017

