



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

*Annual Business Plan and 5yr Delivery Programme*

Neil Harris, Habitat Regulations Delivery Officer  
June 2016



**Exeter**  
City Council



Legal comment/advice:

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

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

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

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

Finance comment/advice:

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

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

|                                |      |
|--------------------------------|------|
| <b>Public Document:</b>        | Yes  |
| <b>Exemption:</b>              | None |
| <b>Review date for release</b> | None |

## Recommendations

It is proposed that the Executive Committee:

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

Equalities impact: Low

Risk: High.

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

### 1. Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Natural England comments:

Annual Business Plan - No specific comments

5 year Delivery Programme - No specific comments

**Neil Harris**  
**Habitat Regulations Delivery Officer**

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