

Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Knowle, Sidmouth, on Wednesday 29 June 2016

Attendance list at end of document

The meeting started at 6pm and ended at 6.35pm.

1 Public speaking

The Chairman welcomed everyone present to first meeting of the Executive Committee.

There were no questions from members of the public.

2 Declarations of interest

There were none.

3 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.

4 Arrangements for governance, operation and stakeholder interaction

The Executive Committee considered the Habitat Regulations Delivery Officer's report setting out the governance arrangements and method of operation for the South East Devon Habitat Regulations Executive Committee (HREC), as agreed by East Devon District Council, Exeter City Council and Teignbridge District Council. The report also detailed the working relationships between the HREC, the Habitat Regulations Delivery Officer, the Officer Working Group and the Green Infrastructure (GI) Board.

The HREC was responsible for overseeing the habitat mitigation delivery required by the South East Devon European Mitigation Strategy, endorsed by all three authorities, to ensure that development within each authority's Local Plans could proceed.

In response to a suggestion put forward to include the word 'provisionally' in the recommendations, the Strategic Lead – Legal, Democratic Services and Licensing advised that certain decisions had to be agreed by the Executive Committee in order to proceed with the work detailed within the Annual Business Plan and 5 Year Delivery Programme.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

1. **Endorses the South East Devon European Site Mitigation Strategy, noting that:**
 - **Further work is required to confirm overall SANGS requirements;**
 - **The need for future re-evaluation of the (Table 26) costs therein, in particular SANGS delivery priorities and associated costs; and,**
 - **The need for future re-evaluation of approaches to securing funds for SANGS delivery through CIL and Section 106, taking account of any forthcoming amendments to the CIL regulations.**

2. **Notes the Terms of Reference and Rules of Procedure which govern the running of the HREC and which have been agreed by the three authorities and that the Committee has no authority in respect of Compulsory Purchase powers.**
3. **Notes the intended working relationships between all interested parties.**
4. **Agrees to using East Devon District Council's Contract Standing Orders and financial rules (adapted to suit as appropriate by East Devon District Council's Strategic Lead for Legal, Licensing and Democratic Services and S.151 Officer) for all procurement until such time as the HREC agrees its own procurement rules.**
5. **Delegates all necessary powers to the Delivery Officer to enable the delivery and implementation of approved mitigation projects (including the hiring of staff, purchasing vehicles and equipment, awarding monitoring and surveying contracts) with any expenditure being identified in the Annual Business Plan or 5 yr delivery programme and limited to a maximum sum of £50,000 per item. This delegated authority shall not include decisions relating to:**
 - a. **Agreeing the Annual Business Plan and 5 yr delivery programme.**
 - b. **Any expenditure not contained within the approved Business Plans.**

5 Financial report

The Executive Committee considered the Habitat Regulations Delivery Officer'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 also included anticipated income from contributions where planning permission had been granted, however the mitigation payment had not yet been paid.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

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

(* - see resolution 5 of minute 6 re arrangements for more frequent reporting in the first 12 - 18 months)

6 Annual Business Plan and Five-Year Delivery Programme

The Executive Committee considered the Habitat Regulations Delivery Officer's report setting out the principles for the on-site projects, which were recommended as a priority by the Delivery Officer, in conjunction with the Officer Working Group. The projects were detailed within the Annual Business Plan and Five Year Delivery Programme, which were both appended to the Committee report.

During discussion, it was proposed that the role of the Habitat Regulations Delivery Officer should be included in the next Annual Business Plan and 5 Year Delivery Programme. The contract for the post was currently scheduled to end in spring 2018 and it was considered that this should be reviewed to ensure delivery of the Programme.

In response to comments made regarding potential impacts from the outcome of recent the European Union referendum, Amanda Newsome (Natural England) advised that at present there was no change in the law or policy protecting wildlife. All of the EU Directives, which related to wildlife protection, had been transposed into UK law and it would require new Acts of Parliament to revoke any of it. Concern was raised by Members that the outcome could result in a 'slow-down' in the development industry and therefore there would be value in having more frequent updates on development forecasts. Notwithstanding resolution 3 in minute 5, in light of concerns over impact of the referendum results more regular reporting on developer forecasts was felt appropriate.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Approves the 2016 Annual Business Plan appended to the committee report and commitments and actions set out therein.**
- 2. Approves the 5 Year Delivery Programme appended to the committee report.**
- 3. Receives a progress update on the delivery of the Annual Business Plan at the next meeting (quarterly basis).**
- 4. Agrees that the Habitat Regulations Delivery Officer role be included in the next Annual Business Plan and 5 Year Delivery Programme.**
- 5. Receives an update on development forecasts every six months for the next 12-18 months.**

7 Dawlish Warren Visitor Centre

The Executive Committee considered the Habitat Regulations Delivery Officer's report outlining an opportunity to deliver a new visitor centre at Dawlish Warren. Members noted that the project was identified through the South East Devon European Site Mitigation Strategy and that significant match funding might be available for a limited period.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Agrees the principle of prioritising a further £220,000 of Partnership funds as a contribution towards the replacement Dawlish Warren visitor centre in 2019/20, subject to sufficient monies being available.**

2. **Agrees the redirection of the £220,000 of Partnership funds to other projects if sufficient match funding to take the Dawlish Warren Visitor Centre project forward is not secured by June 2019.**

8 Joint Communications Strategy

The Executive Committee considered the Habitat Regulations Delivery Officer's report seeking approval of a communication protocol to ensure that the reputations of the Executive Committee and the respective Councils were protected. It also would also ensure that the work of the Executive Committee was communicated positively and adverse publicity was avoided or limited. Key communication messages, which had been written to enable the work of the Executive Committee to be promoted in a consistent and coordinated manner, internally and externally, were also noted.

In response to a comment about the need to promote a clear message about the benefits of the works being progressed in respect of delivering the Mitigation Strategy, it was advised that a press-release on the outcomes of the Executive Committee's first meeting would be published by the Growth Point's Communications Officer within the next couple of weeks. The importance of communication being in plain English was highlighted.

RESOLVED: that South East Devon Habitat Regulations Executive Committee:

1. **Approves the Habitat Regulations Mitigation Communications Protocol as set out in appendix 1 to the committee report.**
2. **Note the key communications messages as set out in appendix 2 to the committee report.**

9 Forward Plan and programme of meetings

The Strategic Lead – Legal, Democratic Services and Licensing asked Members to agree the proposed dates for future meeting of the Executive Committee. A Forward Plan of key decisions would be published at least 28 days prior to each meeting as set out in the Executive Committee's Terms of Reference.

RESOLVED: that dates proposed for future South East Devon Habitat Regulations Executive Committee meetings be agreed.

- **21 September 2016**
- **18 January 2017**
- **29 March 2017**

10 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).

11 Suitable Alternative Natural Green Space (SANGS) – introduction and options

The Executive Committee considered the Habitat Regulations Delivery Officer's report outlining the concept of Sustainable Alternative Natural Green Space (SANGS) and options for sites currently under investigation across the three local authority areas.

The creation of alternative sites (SANGS) sought to divert visitors away from sensitive European sites and was being promoted as a mitigation measure, one of many, to ensure no adverse effect on the integrity of the European Sites as a result of new development.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee notes the progress towards delivering SANGS options across the region.

12 Suitable Alternative Natural Green Space (SANGS) – opportunity

The Executive Committee considered the Habitat Regulation Delivery Officer's report advising Members of an opportunity to acquire land for SANGS; this would be forward funded and would play a key role in mitigating the impacts of development within the three local authority areas.

The Executive Committee discussed the challenges in respect of delivering SANGS sites and the need to look at each individual opportunity on its own merits.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Acknowledges a request to approve the purchase of specified land Sustainable Alternative Natural Green Space (SANGS); the purchase to be forward funded;**
- 2. Approves the principle of funding the purchase and instatement of the Land for SANG provision at a cost of up to the amount contained in the confidential committee report, subject to conditions included in the report in respect of acquiring the land and the Committee being satisfied with the financial budget details;**
- 3. Approves the use of Section 106 funding from specified development as a contribution toward the costs of the proposed SANGS on the Land;**
- 4. Notes that a decision on the specific mechanism for any partnership funding and the method by which the forward funding is recouped be taken at the next committee meeting in September 2016.**

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
Peter Lacey, Green Infrastructure Board

Officers

Henry Gordon Lennox, Strategic Lead – Legal, Democratic Services and Licensing (EDDC)
Neil Harris, Habitat Regulations Delivery Officer
Naomi Hartnett, Principal Projects Manager
Peter Hearn, Strategic Infrastructure Planning (ECC)
Fergus Pate, Principal Growth Point Officer (TDC)
Richard Short, Assistant Director City Development (ECC)
Hannah Whitfield, Democratic Services Officer (EDDC)
Mark Williams, Chief Executive (EDDC)
Andy Wood, Projects Director

Also present for all or part of the meeting:

Cllr Peter Bowden (EDDC)

Chairman Date.....