



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

2016 Annual Business Plan – Progress Report

Neil Harris, Habitat Regulations Delivery Manager
September 2016



Exeter
City Council



Legal comment/advice:

As this is an update report there are no direct legal implications arising. To the extent any observations are required, these are appropriate addressed in the 'Risk' section of the report.

Finance comment/advice:

Details of progress listed which have been approved and budget allocated.

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 Annual Business Plan.
2. Receives a further progress update on the delivery of the 2016 Annual Business Plan at the next meeting (quarterly basis).

Equalities impact: Low

Risk: Medium.

The 2016 Annual Business Plan was approved by the Executive Committee on June 29th 2016. This report is an update on the progress made so far toward delivering the mitigation measures set out in the 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

1.1 This paper lists the mitigation measures put forward in the 2016 Annual Business Plan and describes the progress made toward delivery in the period 29th June – 11th August. Table 1, below, lists the mitigation measures approved by the Executive Committee.

Table 1. 2016 Annual Business Plan mitigation measures.

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

2. Progress

2.1 Revised zoning, Voluntary Exclusion Zone and codes of conduct for the Exe Estuary.

2.1.1 The Delivery Manager organised a meeting on 8th July to discuss and agree the aims and project brief. The meeting was attended by officers from the RSPB, Teignbridge District Council Rangers, Exeter City Council Waterways and the Exe Estuary Management Partnership (EEMP). An officer from the Devon Wildlife Trust (DWT) was unable to attend due to circumstances beyond their control.

2.1.2 It was agreed that the Exe Estuary Officer will begin the work in October 2016, with project completion estimated by the end of April 2017. It is anticipated that the Habitat Mitigation Officers (HMOs) will be in post during October 2016 and be able to positively engage with users in drawing up codes & zones.

2.1.3 There is the clear requirement to ensure that the core (already funded) work of the EEMP demonstrates that existing pressures are being addressed. The codes and zones work is in addition to this and seeks to mitigate future impacts, not existing ones.

2.1.4 The Exe Estuary Officer reported that the budget will allow a limited print of approx 3,000 codes of conduct packs (for distribution by HMO's, through clubs – will also be incorporated into user group websites, on EEMP website etc). Zones will be incorporated into future reprints of appropriate EEMP leaflets. There was the useful suggestion of including details of seasonal restrictions in the Yellow Publications South Devon Tide Times. This is being investigated and could include advertising a page on restrictions opposite relevant months throughout the year.

2.1.5 Further research into the costs of buoyage to provide visual markers on the water is required. Indicative costs provided by the EDDC Beach Safety Officer appear to be outside the appropriate budget for zone review. Costs include purchase, placement, cleaning, and replacement. It will also be very important to ensure there are no implications for safe navigation on the Exe. The Waterways Team Leader for Exeter City Council is investigating the cost and maintenance requirements.

2.1.5 It will maximise efficiency to combine zones and codes in one consultation event per user group. The Exe Estuary Officer has details of the relevant user group contacts and will look to organise consultation events in October. There is the opportunity for further consultation, revision or launch of the zones and codes of conduct at the 2017 Exe Estuary Forum.

2.1.6 Exeter City Council, as Statutory Harbour Authority for the Exe has applied to the Department of Transport to be designated with the powers to make Harbour Directions in order to better regulate shipping and improve overall safety in its area of responsibility. As part of this process, a Port User Group (PUG) has been established and will have its inaugural meeting in September. The Waterways Team Leader will promote and support the zonation and codes of conduct at this meeting.

2.1.7 The effectiveness of codes of conduct and zones will primarily be monitored and reported by the HMOs. Other monitoring to complement this would ideally be undertaken by volunteers. Monitoring the measures in the strategy is essential to inform whether they are successful or not. The Officer Working Group will discuss whether funding should be prioritised accordingly to ensure regular monitoring if volunteers cannot be found.

2.1.8 Key protection areas were confirmed – both the existing Voluntary Exclusion Zone (VEZ), off Exmouth and the proposed one at Dawlish Warren. There needs to be a refreshed approach to increase users' awareness of the existing Voluntary Landing Area for boats at Soft Sand Bay, Dawlish Warren. This area will also be reaffirmed as part of zone review & subsequent promotion/engagement.

2.1.9 The Exmouth VEZ stretches from its current northern boundary in the estuary to the Duck Pond, off Exmouth (see Appendix 1). Seasonal use of the Duck Pond area applies from Apr-Sept. The Dawlish VEZ will stretch from Soft Sand Bay/VLA to Cockwood Harbour, following the National Nature Reserve boundary (the maximum extent as proposed by EEMP, see Appendix 2).

2.1.10 The South East Devon European Site Mitigation Strategy zone recommendations provide a useful starting point for consultation with user groups. To avoid potential user conflict and ensure safety, there should be no overlapping of zones. The western limit for Personal Watercraft (PWC) should remain in place as this restricts activity off Warren Point and in front of the beach at Dawlish Warren, which are sensitive for both people and wildlife. Thereafter, the zones and codes have the best chance of working if some degree of flexibility remains for user groups to define their own zones, as long as both VEZ's are protected, there is space for other users and safe navigation remains a priority.

2.1.11 The only means of access by water, for watercraft, to and from Eales Dock will be via the Dawlish VEZ (See Appendix 2). The current owner has a legally established right to use the dock and is expanding their business of boat storage and maintenance. Some concerns remain regarding the advertising of anti-fouling services (which has the potential to release chemicals into the Exe). However, if required, this is considered most appropriate for investigation by either Natural England (damaging operations to a Site of Special Scientific Interest), or the Environment Agency (polluting of a watercourse, environmental permits).

2.1.12 The preferred approach to the owner of Eales Dock is positive engagement to establish agreed use of the VEZ. The ideal outcome is that any boats should avoid prolonged use of the VEZ (enter/depart as quickly as possible, adhering to speed limit and without disturbance). The Exe Estuary Officer will consult with the owner as part of establishing the VEZ, with the outcome of a written, signed agreement in which the owner agrees to promote this requirement to users of the dock.

2.2 Purchase and run a new patrol boat

2.2.1 Summer is the peak time for boat users and the second hand market is priced accordingly. EDDCs' Beach Safety Officer has previously advised that it will be most cost effective to investigate the market in early autumn (September) as prices are likely to be lower.

2.2.2 Unlike purchase of a new boat, which requires a lead in period to build and manufacture, it should be possible to secure a second hand boat relatively quickly once identified, tested and checked. The intention is to purchase and secure the new patrol boat ahead of the starting date of the HMOs.

2.2.3 Issues of ownership and funding with the Harbour Authority still require agreement. The Delivery Manager is arranging to meet again with the Waterways Team Manager to discuss these issues and explore the potential options for mooring the boat (both paid and free of charge).

2.3 Two Wardens (Habitat Mitigation Officers)

2.3.1 The Habitat Mitigation Officers are to be hosted by EDDC and are therefore subject to their policies and procedures. The Delivery Manager submitted an authority to recruit (ATR) request to the Senior Management Team on 12th July 2106, which was approved.

2.3.2 The Delivery Manager organised a meeting on 19th July 2016 to discuss and agree the recruitment, induction and work schedules of the HMOs. Officers from Clinton Devon Estates, Teignbridge District Council Rangers, RSPB, DWT and Natural England attended.

2.3.2 The job description and person specification for the HMOs had been reviewed by the Officer Working Group, EDDC Human Resources, with final versions agreed. In particular, it was recommended that reference to "European" sites was changed to "internationally important" (or similar) in recognition of the recent EU referendum. It was felt that this would prevent confusion and misunderstanding for applicants and media alike.

2.3.3 The HMO positions were advertised on 1st August, with a closing date of 29th August. This is an extended period of advertising to account for the holiday period.

Interviews are scheduled for mid September, with the expectation that both HMOs will be in post by mid October, allowing for any notice periods to be worked. Advertising costs will be included as part of the overall project cost, from JIA funds. Support provided by Human Resources at EDDC will not be subject to a recharge.

2.3.4 James Chubb, new Team Leader (Place) for EDDC Countryside has been identified as the line manager for the HMOs. The Delivery Manager will set strategic objectives and maintain regular, monthly contact with the HMOs via one to one meetings to ensure these objectives are being met.

2.3.5 The interview panel will consist of the primary contacts for each site: Dr Sam Bridgewater (Pebblebed Heaths), Phil Chambers (Dawlish Warren) and James Chubb (EDDC) as well as the Delivery Manager. The Clinton Devon Estates Rolle Estate Office will be the venue, as this also provides easy access to the Pebblebed Heaths for practical tests.

2.3.6 Once in post, the Team Leader (Place) will ensure that the EDDC induction procedures are followed. The Delivery Manager will ensure that the HMOs are introduced to key stakeholders across the three sites within the first two weeks. After that, the HMO's will be expected to integrate more closely with site management staff at the Pebblebeds and at Dawlish Warren. They will work alongside existing staff over a period of weeks to better understand site specific issues and how they are able to best meet their strategic objectives.

2.3.7 The Delivery Manager is investigating the use of body worn cameras, to aid evidence gathering for enforcement purposes. Civil Enforcement Officers at Teignbridge District Council are looking to procure a number of such cameras through the ESPO framework, which meets local government procurement requirements.

2.3.8 IT support will include 2 laptops (including a 4G sim card for mobile working), 2 mobile phones, 2 standard EDDC user accounts and helpdesk support. This will be sourced via Strata Service Solutions Ltd who have been notified and are providing costs.

2.3.9 The remit of the HMOs will be 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) will dictate where the HMOs spend the majority of their time but it is important that their presence is continuous across the sites. A ratio of 80:20 provides a guideline to adhere to, where the HMOs would spend 4 days at their primary (seasonal) site and 1 day at the secondary site.

2.3.10 The HMOs work pattern will also need to be flexible, with regular weekend and bank holiday working. Two weekends per month is expected, with a 7 day contract to ensure that issues of overtime, TOIL etc are addressed. The Team Leader (Place) is drawing up a draft rota which will be subject to ongoing review as necessary.

2.3.11 The HMOs will attend key events to promote their work and relay the nature conservation interest of the sites. This will include events such as Heath Week, the Exe Estuary Festival, SANGS promotion events and events organised by the Devon Dogs Project Officer. Local interest groups will also be contacted in order to introduce the HMOs.

2.3.12 HMOs will keep a daily record of locations visited, number of people spoken to, activities witnessed, disturbance events and any enforcement action taken. A form will be available offline and online, which will allow generation of reports to steer future delivery.

2.3.13 Flexibility will also be key in the approaches taken by the HMOs in regard to enforcement and education. For example, TDC have an established position regarding the presence of dogs in certain areas. The Pebblebed Heaths is an area where the requirement for dogs on leads during the bird nesting season has not been formally established. The approach with the greatest chance of success is likely to be one where users are encouraged to behave differently and where other projects such as Devon Dogs work in tandem to achieve this.

2.3.14 Training, where appropriate, will include Break-Away training (personal safety), Police and Criminal Evidence Act (PACE), enforcement/surveillance procedures, data protection, sea survival training, RYA level 2 powerboat and the Community Safety Accreditation Scheme (CSAS) which will designate HMOs with the same powers as a Police constable to request a name and address.

2.3.15 To identify budgets correctly, the HMOs will sit within the EDDC Countryside department, with one additional, distinct cost centre to identify their specific salary and project costs. These costs will be allocated to the service until the financial year end, when it will be reimbursed by developer contributions (shared by TDC, ECC & EDDC).

2.4 Warden Vehicle

2.4.1 Capita Asset Services undertook a vehicle benchmarking exercise on behalf of the Delivery Manager in order to determine the most competitive quotes on a range of 4x4 vehicles.

2.4.2 The benchmarking exercise identified either the Ford Ranger XL or the Toyota Hi Lux as the most cost effective options, being the best value models with the capabilities required to perform its function. However, the Ford Ranger currently has a lead time of 24 weeks which is after the HMOs are expected to start. This would necessitate a short term lease on another vehicle. The Toyota Hi Lux could be delivered by the end of September, in time for the HMOs anticipated start date.

2.4.3 The Delivery Manager is currently obtaining final quotes under the Crown Commercial Service vehicle purchase agreement framework. If the Toyota Hi Lux compares favourably, it is likely that this will be chosen due to the delays related to purchasing the Ford Ranger.

2.5 Dog project

2.5.1 The job description and person specification for the Devon Dogs Project Officer has been reviewed by the Officer Working Group and EDDC Human Resources, with final versions agreed.

2.5.2 Janet Wallace, Principal Environmental Health Officer (PEHO) at EDDC has been identified as the line manager for the Project Officer. The Delivery Manager will set strategic objectives and maintain regular, monthly contact with the HMOs via one to one meetings to ensure these objectives are being met.

2.5.3 The Project Officer role will be advertised on Monday 5th September, with a closing date of Fri 23rd September. Interviews will be scheduled for w/c 10th October, with the expectation that the Project Officer will be in post by mid November, allowing for any notice periods to be worked. Advertising costs will be included as part of the overall project cost, from JIA funds. Support provided by Human Resources at EDDC will not be subject to a recharge

2.5.4 The interview panel will consist of the PEHO and the Delivery Manager.

2.5.5 IT support will include a laptop (including a 4G sim card for mobile working), a mobile phone, a standard EDDC user account and helpdesk support. This will be sourced via Strata Service Solutions Ltd who have been notified and are providing costs.

2.5.6 Once in post, the PEHO will ensure that the EDDC induction procedures are followed. The Delivery Manager will ensure that the Project Officer is introduced to key stakeholders across the three sites within their first two weeks.

2.5.7 In order to secure the domain name for the proposed website, Strata have registered www.devondogs.org.uk. This cost £63.80 and has been allocated to JIA funds.

2.5.8 To identify budgets correctly, the Project Officer will sit within the EDDC Environmental Health department, with one additional, distinct cost centre to identify their specific salary and project costs. These costs will be allocated to the service until the financial year end, when it will be reimbursed by developer contributions (shared by TDC, ECC & EDDC).

2.6 Petalwort translocation & monitoring at Dawlish Warren

2.6.1 The Senior Ranger at Dawlish Warren has written a contract brief for tender to botanists and ecological consultants.

2.6.2 The survey will form a baseline against which further monitoring can take place and will, together with future surveys, inform management of the site to benefit this key species.

2.6.3 Key elements of the monitoring project include:

- Survey and map the current population of Petalwort at Dawlish Warren to establish a baseline. This should include the area between the Visitor Centre and the car park where translocations and trial management techniques have taken place.
- Provide detailed mapping of plant communities in order to determine effectiveness of present management.
- To monitor the success of management trail plots aimed at extending available habitat for Petalwort. Including monitoring and recording the successional development of these plots and the impacts of trampling pressure.
- Determine changes in plant communities within the areas where Petalwort is found to inform any necessary alterations to management in order to maintain this species in favourable condition.
- Assess the impacts of human activities on the species and its habitat.

2.6.4 Outcomes of the monitoring will include:

- A detailed mapping study of the distribution of Petalwort thalli at Dawlish Warren. A suitable scale map will be used e.g. 1:5000 OS map. The extent of the population will be recorded and mapped.
- Details of the composition and percentage cover of other species within the survey area are required. This will inform future surveys of changes taking place that may impact on the population of Petalwort so this information needs to be repeatable.

2.6.5 The tendering process is currently on hold due to the fact that a (Habitat Regulations) appropriate assessment is required on one of the areas of survey. It is not currently known when this will be complete but the intention is to be in a position to begin monitoring in the best recording season which is normally December to April.

2.7 Habitat Regulations Delivery Manager

2.7.1 The Delivery Manager continues in post, working to deliver the 2016 Annual Business Plan and report to the Executive Committee. Other work includes partner authority meetings examining SANGS site selection, potential review of the Strategy and working to achieve consistency in defining infrastructure across the partner authorities.

2.8 Codes of conduct, dog bins, map highlighting sensitive areas and monitoring on the Pebblebed Heaths

2.8.1 Codes of conduct. The Delivery Manager organised a meeting with Dr Sam Bridgewater, Nature Conservation Manager at Clinton Devon Estates, on 27th July 2016. In the meeting, Dr Bridgewater suggested that it should be possible for him to draft the required text for the codes of conduct, which will then be put to the Officer Working Group for comment and amendment in September 2016. They will then go to relevant user groups (contacts are already well established) for consultation.

2.8.1.1 Funding is recommended to further develop these codes of conduct in Year 2 of the 5 Year Delivery Programme. Due to the fact that the initial work to draft the codes will be done by Dr Bridgewater at no charge, it is considered the most effective use of funds if the funding allocated in the 2016 Annual Business Plan is carried over into the relevant Year 2 allocation.

2.8.2 Dog bins. Clinton Devon Estates have already installed a number of dog bins in busy car parks on the Pebblebeds Heaths. This includes one at Uphams car park which is recommended in the Pebblebed Heaths Visitor Management Plan. Dr Bridgewater suggested that as that location was already covered, there may be some value in locating a new one at Bicton South instead.

2.8.2.1 Two dog bins recommended at Bystock and Bystock Pools are within very close proximity and the Delivery Manager will investigate with DWT whether both are actually required. If not, it may be possible to locate one at Aylesbeare Common (managed by the RSPB), which is not currently catered for in the management plan.

2.8.3 Sensitivity maps. There already exist a number of walkers' guides, with (relatively abstract) maps illustrating areas of the Pebblebed Heaths (although Aylesbeare and Harpford Commons are not included). These maps can act as a good baseline, with further work required to determine what is good about them, what should be changed and what is missing.

2.8.3.1 Clinton Devon Estates already have sensitivity maps for each area of land they manage, which provide accurate information on areas of mire as well as Dartford Warbler and Nightjar territories. The intention is that these maps could be overlaid or otherwise incorporated onto the existing walkers guide maps.

2.8.3.2 The maps will need to work in print and online, as well as incorporating an overview map which can be expanded to a series of sub-maps covering specific areas.

2.8.3.3 At the meeting, Dr Bridgewater agreed to lead the work to establish the baseline data and consult with DWT and RSPB regarding any information they could provide regarding particularly sensitive areas on land under their control. The intention is to complete this work by the end of April 2017.

2.8.3.4 When a project brief is complete and all information is collated, the Delivery Manager will obtain 3 separate quotes for graphic design of the maps.

2.8.4 Monitoring Funding to assess and record the state of the path network across the Pebblebed Heaths is recommended in the Visitor Management Plan. It was agreed with Dr Bridgewater that it is necessary to establish a baseline survey which enables path condition to be monitored. It will then be possible to compare in future years and steer delivery of works.

2.8.4.1 It will be necessary and desirable to liaise with existing wardens, path management contractors and Devon County Council Public Rights of Way officers to establish an appropriate monitoring brief and path specification. This is to be arranged during autumn/winter 2016.

Natural England comment:

Table 1 – it would be helpful if the mitigation measures were listed by European site / cross-site rather than randomly, to assist consideration of activity across each site.

Neil Harris
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