



Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Knowle, Sidmouth, on Wednesday 21 September 2016

Attendance list at end of document

The meeting started at 6.08pm and ended at 6.52pm.

***13 Public speaking**

The Chairman welcomed everyone present to the meeting.

There were no questions from members of the public.

***14 Declarations of interest**

There were none.

***15 Matter of urgency**

The Chairman advised that there was one matter of urgency for the committee to consider.

The Habitat Regulation Delivery Manager sought agreement from the Executive Committee to bring forward funding (in the sum of £1000), identified in the 5 year Delivery Programme for years 2-5 to ensure the collection of data from the Wetland Bird Survey (WeBS) to year 1. The funding would enable funding two WeBS surveys at low tide by boat on the Exe Estuary, every 5 years. The first survey to be undertaken in November 2016.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee agrees to bring forward funding (in the sum of £1000), identified in the 5 year Delivery Programme for years 2-5 to ensure the collection of data from the Wetland Bird Survey (WeBS) to year 1. For this funding to enable 2 WeBS surveys at low tide by boat on the Exe Estuary, every 5 years. The first survey to be undertaken in November 2016.

***16 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.

***17 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 first quarter 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.

Amanda Newsome, Natural England, reiterated her comments within the report in respect of addressing inconsistencies in the CIL and Section 106 charges between the three authorities and zones and also the need to consider options for funding of mitigation

measures in perpetuity. In response, the Habitat Regulation Delivery Manager advised that reports on both these matters would be presented at the next committee meeting.

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

- 1. Notes the quarterly update on the overall financial position, including contributions received, contributions not received because arrangements might be in place for contributions to be withheld, expenditure and anticipated contributions (from signed Section 106 Agreements).**
- 2. Receives an update on 5 year income forecasts of developer contribution receipts at the next Committee meeting, clearly identifying where these receipts have been retained by the collecting authority where any agreement is in place for contributions to be withheld.**
- 3. Receives reports at the next committee meeting addressing inconsistencies in rates being charged in respect of CIL and Section 106 between the three authorities and options for the funding of mitigation measures in perpetuity.**

***18 Annual Business Plan and Five-Year Delivery Programme**

The Executive Committee considered the Habitat Regulations Delivery Manager's report setting out the mitigation measures put forward in the 2016 Annual Business Plan and outlining progress made towards delivery of the following measures during the period 29 June to 11 August:

- Revised zoning, Voluntary Exclusion Zone and codes of conduct for the Exe Estuary;
- Purchase and run a new patrol boat;
- Appointment of two wardens (Habitat Mitigation Officers);
- Warden vehicle;
- Dog project;
- Petalwort translocation and monitoring at Dawlish Warren;
- Habitat Regulations Delivery Manager;
- Codes of conduct, dog bins, map highlighting sensitive areas and monitoring on the Pebblebed Heaths;

RESOLVED: that the South East Devon Habitat Regulations 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).**

***19 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).

***20 Suitable Alternative Natural Green Space (SANGS) – Scoring site options**

The Executive Committee considered the Habitat Regulations Delivery Manager's report providing further detail on potential strategic SANGS sites currently under investigation

across the three partner authorities. Sites had been given indicative scores against criteria established by Natural England and further enhanced by Teignbridge District Council.

In response to a question about delivery of SANGS, Cllr Humphrey Clemens updated the Committee that Teignbridge District Council had successfully secured land between Exeter Road and Eastdon Woods north of Shutterton Lane in Dawlish for SANGS and that a planning application for change of use of the land had been submitted. The £2.9m project was due to open the following summer. During discussion on the secured site, the Committee spoke of the need for monitoring to ensure that the SANGS was effectively meeting the objective of mitigation – this was important for future decisions in respect of SANGS provision. The Habitat Regulation Delivery Manager advised that monitoring would primarily be focused on impacts to the protected sites.

Points raised during discussion on the site options presented within the report included:

- There was no guarantee that favoured sites would come forward, therefore site options should not be completely discounted without good reason. In response it was advised that the next stage would be to discuss final options with partners and focus efforts on the most appropriate sites.
- A summary of the strengths and weaknesses of each site would be useful.
- Be useful to identify what each site needed to provide in order to meet the mitigation needs.
- There was a need to address ongoing maintenance of SANGS once secured. In response the Committee was advised that this matter was currently been discussed with Land Trust. There were a number of different models available and these would be presented to the Committee at a future meeting.

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

- 1. Notes progress towards delivery of Suitable Alternative Natural Green Space (SANGS) across the region.**
- 2. Receives a further report at a future Committee meeting which sets out detailed options for strategy delivery on SANGS provision.**

***21 Suitable Alternative Natural Green Space (SANGS) – opportunity**

The Executive Committee considered the Habitat Regulation Delivery Manager's report providing recommendations on the specific mechanism for partnership funding following the Committee's approval, in principle, to acquire land identified in Appendix A to the report for Sustainable Natural Green Space (SANGS). The Executive Committee had been advised earlier in the meeting that the land, which was being forward funded by Teignbridge District Council, was now secured.

RESOLVED:

- 1. that the South East Devon Habitat Regulations Executive Committee agrees the following funding arrangements for specified land for Sustainable Alternative Natural Green Space :**
 - a) Funding the purchase and instatement of land (shown in Appendix A to the report) for Suitable Alternative Natural Green Space at Dawlish at a cost of up to £2,923,000. Teignbridge District Council has separately approved forward funding this acquisition.**

- b) Repaying Teignbridge District Council up to £643,000 by March 2020, and delegating authority to the Habitat Regulations Delivery Manager and the S151 Officers of East Devon District Council (accountable body) and Teignbridge District Council to agree arrangements and the final amount in accordance with proven expenditure.
 - c) Delegating authority to given to the S151 Officer of East Devon District Council (accountable body), Teignbridge District Council and Exeter City Council, in consultation with the Habitat Regulation Delivery Officer and the Heads of Planning of the partner authorities, to agree the reduction in Teignbridge District Council's partnership contributions to SANGS mitigation until such time as the number of dwellings permitted in Teignbridge (when taken with other funding provided) balances the amount of forward funding provided by Teignbridge District Council for the Dawlish SANGS.
 - d) The Committee to receive quarterly financial reports reporting SANGS receipts at Teignbridge and which identify the residual balance due to Teignbridge under the arrangements set out in a – c above.
2. That the ongoing management of the specified land (detailed in the confidential committee report) be addressed through a future report to the Executive Committee.

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 Manager
Naomi Hartnett, Principal Projects Manager
Peter Hearn, Strategic Infrastructure Planning (ECC)
Hannah Whitfield, Democratic Services Officer (EDDC)
Andy Wood, Projects Director

Chairman Date.....