



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
March 2017

Legal comment/advice:

There are no legal implications arising.

Finance comment/advice:

The report highlights progress against the approved Plan and there are no financial issues that need to be highlighted.

| | |
|--------------------------------|------|
| 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. Approves expenditure of £1500 from Patrol Boat revenue budget towards purchase of small inflatable boat and outboard motor.
3. Receives an Annual Review on the implementation of the 2016 Annual Business Plan at the next meeting (June 2017).
4. Receives recommendations for the 2017 Annual Business Plan at the next meeting (June 2017).

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 in delivery of 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 12th August 2016 – 17th February 2017. Table 1, below, lists the mitigation measures approved by the Executive Committee. Following recommendation by Natural England (NE) in September 2016¹, these measures are now listed according to site/cross-site.

¹ 2016 Annual Business Plan – Progress Report, September 2016.

Table 1. 2016 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 |

2. Progress

2.1 Habitat Regulations Delivery Manager

2.1.1 The Delivery Manager continues in post, working to deliver the mitigation measures in the 2016 Annual Business Plan and reporting to the Executive Committee. Other work includes co-ordinating partner authority meetings to examine SANGS site selection, ongoing work to rebase the Strategy and achieving consistency in defining infrastructure across the partner authorities.

2.2 Habitat Mitigation Officers

2.2.1 Following successful interviews on 7th September 2016, hosted by Clinton Devon Estates, two Habitat Mitigation Officers (HMOs) were appointed. The post holders, Sama Euridge and Justin Hart, started on 17th October 2016, hosted by EDDC Countryside.

2.2.2 James Chubb, Team Leader (Place) for EDDC Countryside is the line manager for the HMOs and has met regularly with the Delivery Manager to agree strategic objectives. Regular, monthly contact with the HMOs is achieved via one to one meetings to ensure these objectives are being met.

2.2.3 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 involve public education and engagement across the 3 sites.

2.2.4 IT support is provided via Strata Service Solutions Ltd, who have also facilitated the use of a smartphone application provided by SNAP Surveys. As shown in Appendix A, this is an electronic form which records their engagement with the public – providing a daily record of locations visited, number of people spoken to, activities witnessed, disturbance events and any enforcement action taken. Data retrieved from the 3 month period 28/11/16 to 12/02/16 is summarised in Table 2, below:

Table 2: Locations, number of people spoken to & interactions

| Dawlish Warren | Ppl Spoken to | No of interactions |
|-----------------------|---------------|--------------------|
| Dune Ridge | 5 | 3 |
| Greenland Lake | 7 | 5 |
| Groyne 9> | 123 | 47 |
| Groynes 1-9 | 10 | 3 |
| Main Woods (DD) | 6 | 2 |
| Warren Point | 3 | 2 |
| Total | 154 | 62 |

| Pebblebed Heaths | | |
|-------------------------|------------|------------|
| Aylesbeare Common | 15 | 6 |
| Bicton Common | 23 | 14 |
| Bystock | 2 | 2 |
| Colaton Raleigh Common | 73 | 40 |
| Dalditch Common | 3 | 2 |
| East Budleigh Common | 40 | 27 |
| Hawkerland | 15 | 11 |
| Woodbury Common | 165 | 84 |
| Total | 336 | 185 |

| Exe Estuary | | |
|----------------------------|-----------|-----------|
| DW VEZ | 2 | 1 |
| Exminster Marshes | 1 | 1 |
| Exmouth Duck Pond / LNR | 21 | 14 |
| Imperial Recreation Ground | 5 | 4 |
| | | |
| Total | 28 | 20 |

| | | |
|-------------------------|------------|------------|
| Total (combined) | 519 | 268 |
|-------------------------|------------|------------|

2.2.5 Body worn cameras to aid evidence gathering for enforcement purposes have been tested by and demonstrated to the HMOs. Civil Enforcement Officers at Teignbridge District Council have led the procurement process through the Eastern Shires Purchasing Organisation (ESPO) framework. Delivery of 3 body cameras (and associated equipment) is expected by the end of March 2017.

2.2.6 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) have so far dictated where the HMOs spend the majority of their time. Between October and December, there was coverage at the Exmouth Local Nature Reserve (LNR) during low tide when Brent Geese were feeding on the Eelgrass. The HMOs have been in liaison with Rangers at Dawlish Warren to ensure synergy and best use of time.

2.2.7 The Pebblebed Heaths is an area where byelaws relating to dog fouling and number of dogs per person have not been stringently enforced. After liaison with Clinton Devon Estates, it has been agreed that the HMOs will be informing the public of these requirements at key car parks on the Pebblebed Heaths during half term (11-19 February 2017). This will be supported by a press release which informs the public of the intention to enforce these byelaws from May 2017 onwards.

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 Board 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 is scheduled for spring 2017.

2.2.10 Staff changes are underway following the resignation of one HMO in January 2017. Following a recruitment process (current at time of writing), a replacement member of staff is expected to be appointed by mid-March 2017.

2.3 Warden Vehicle

2.3.1 Quotes were received for a number of different 4x4 vehicles under the Crown Commercial Service (CCS) vehicle purchase agreement framework. Initially the Toyota Hi-Lux was selected as the most cost effective option, being the best value model with the required specification.

2.3.2 Unfortunately, the Toyota dealership made an error in quoting for the vehicle and used a more favourable discount under the CCS framework, which they were unable to honour. Applying the correct discount resulted in a significant cost increase, meaning that it was no longer the most cost effective option.

2.3.3 Ultimately, the 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 after approximately 4 years (when compared to Strategy estimates).

2.3.4 The HMOs have been assigned an Allstar Fuel Account card by EDDC and are required to submit receipts on a regular basis for checking. The vehicle has been added to EDDC's group insurance and is on the register for road tax and MOT reminders.

2.4 Dog project

2.4.1 Following a successful interview on 20th October 2016, the Project Officer (Dogs) was appointed. The post holder, Julie Owen, started on 22nd November 2016, also hosted by EDDC Countryside.

2.4.2 Tim Dafforn, Countryside Team Leader (People) has been established as the line manager for the Project Officer role. As with the HMOs, the Delivery Manager has set strategic objectives and maintains regular, contact with the Project Officer via one to one meetings to ensure these objectives are being met.

2.4.3 During the first 4 weeks of employment, the Project Officer was introduced to key stakeholders across the three sites. A day visit to Dorset Dogs (the scheme widely regarded as best practise) was made in order to learn more about their approach and establish ongoing networking opportunities.

2.4.4 The Project Officer also participated in a number of events with key stakeholders, including the Friends of the Common Forum at Clinton Devon Estates and a meeting of the Exe Estuary Management Partnership Board. She also spoke at the launch event for the public consultation on zones of activity for water users on the Exe Estuary.

2.4.5 Initial work is focusing on developing and establishing the project. Research showed that an existing company already owned the preferred name of “Devon Dogs”. Following debate, it has been agreed to call the scheme “Devon Loves Dogs”. The Project Officer is now working on a visual identity for the scheme in collaboration with a graphic designer.

2.4.6 Whilst the design work is being progressed, the Project Officer is working on preparing a brief for website design tenders with the Growth Point Communications Officer. Invites to tender will be sent as soon as the scheme identity has been finalised.

2.4.7 The Project Officer continues to work on material for the website, including a dog walking code, recommended walks in the area, useful information for dog owners and contacting local businesses who may be interested in being listed on the site.

2.4.8 In order to secure the domain name for the proposed website, Strata have registered Devonlovesdogs.co.uk\com. This cost £2 for 1 year and has been set to automatically renew so that ownership is retained. The cost has been allocated to JIA funds. In addition, the following social media accounts have been registered for future use:

- <https://twitter.com/DevonLovesDogs>
- <https://www.facebook.com/DevonLovesDogs/>
- <https://www.instagram.com/DevonLovesDogs/>

2.4.9 It is estimated that the website (and therefore the overall project) will be able to launch in July 2017. This is dependent upon timely delivery of the visual identity and website design. A press release will be scheduled in due course to announce the launch.

2.4.10 Dawlish SANGS is expected to be 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 site. This will announce that the site is open for business and firmly place dogs and dog walking as its core user group.

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

2.5.1 A public meeting to consult users with an interest in the Exe Estuary was held by the Exe Estuary Officer on 8th December. In addition to the Delivery Manager, HMO's, Project Officer (Dogs) and Communications Officer, the meeting was attended by officers from NE, the RSPB, Exeter City Council Waterways and the Exe Estuary Management Partnership (EEMP).

2.5.2 80 people attended the consultation, representing organisations such as the Wetland Bird Survey (WeBS), Lymptone Fishery & Harbour Association, Exmouth Coastwatch, Exe Port User Group

2.5.3 Private businesses represented included Exmouth Mussels, River Exe Moorings Ltd., Darts Farm, Retreat Boatyard.

2.5.4 Water sports user groups represented included Adventure Activities Devon, Edge Watersports, Royal Yachting Association, Starcross Yacht Club, Exmouth Sailing Club, Devon Cycling Holidays.

2.5.5 The proposals to establish a Voluntary Exclusion Zone (VEZ) in the estuary to the north of Dawlish Warren, extend the area of the existing VEZ off Exmouth and revise zones of water activity were presented.

2.5.6 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.

2.5.7 The Exe Estuary Officer is working to incorporate the results of the public consultation into amended proposals. Work also continues with crab tilers, bait diggers and the owner of Eales Dock to progress zonation work.

2.5.8 The Exe Estuary Officer is also holding consultations with specific user groups regarding the revisions to the codes of conduct for the Exe. A presentation was given at the Exe Estuary Winter Forum on 7th February to report progress to date.

2.5.9 It is estimated that the zones and codes of conduct work, with recommendations, will be completed by the end of April 2017. A report on the outcome of this work will be submitted for consideration at the June meeting of the Executive Committee.

2.6 Purchase and run a new patrol boat

2.6.1 An extended period of searching the second hand market (firstly in the South West and then across the UK) for a patrol boat which meets the specification and is within budget has proved very challenging.

2.6.2 The HMOs will be required to land a boat at Dawlish Warren and carry out patrols there. It is important that they are able to return to the boat if, for example, they need to follow someone back to a mooring for identification purposes as part of an enforcement prosecution.

2.6.3 The HMOs will also 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 catamaran equipped with second hand outboard engines.

2.6.5 It is unlikely that it will be possible to beach the catamaran at the Warren due to the size of the boat. Therefore it is proposed that a maximum of £1500 of the £7000 revenue costs for the boat is made available to purchase a small inflatable (with a small outboard motor) which may be towed behind. This will enable the HMOs to moor the catamaran off of the beach at the Warren and travel across to the beach in the small inflatable. It is proposed that this be purchased after the larger boat has been secured.

2.6.6 The Harbour Authority have been approached regarding the potential options for shared use and ownership of the boat. The following response was received:

“(we) won’t have funding before April 2018 and (we are) no longer looking for ‘just’ a patrol boat (we will utilise the one we have for that purpose).

We will be looking at the use of our current 30’ boat within the overall process.”

2.6.7 Therefore, the boat will be reserved for the sole use of the HMOs. It may be possible/desirable to look at shared use of the boat in future.

Proposed spend: Up to £1,500 from the annual revenue budget of the Patrol Boat (£7000) towards the purchase of a Zodiac 230 inflatable boat (or similar) and 6 horsepower outboard engine.

2.7 Petalwort translocation & monitoring at Dawlish Warren

2.7.1 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 NE regarding the work.

2.7.2 The work is 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, by April 2017.

2.9 Provision of dog bins on the Pebblebed Heaths.

2.9.1 Dr Bridgewater has proceeded to purchase dog bins and associated posts for 3 car parks owned and managed by Clinton Devon Estates –Wheathills, Estuary and Stowford. Installation is expected by mid-April 2017.

2.9.2 Agreement has been reached with Devon Wildlife Trust for one dog bin at Bystock Pools, instead of two. This means that one is available for Aylesbeare Common (managed by the RSPB) and there will be wider coverage of the heaths. Installation is expected by the end of February 2017.

2.9.3 Agreement has been reached with Mr John Garratt, the owner of Lymptone Common, for the provision and installation of a litter bin in the car park. The bin will be clearly labelled as accepting dog waste. Installation is expected by the end of February 2017.

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. A brief is being prepared to create draft maps that can then be used in a range of future media (including walking leaflets/panels/electronic media) to help manage and direct visitor traffic.

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

2.11.1 A brief is being drafted to undertake an access audit and provide baseline data on the condition of tracks/paths across the heaths. This will include photographic data. The brief will include “traffic lighting” of tracks (to determine a priority schedule) and also highlight and work up work schedules for access areas that are threatened from an increase in visitor numbers.

2.11.2 A meeting has been held with a retired Devon County Council Public Rights of Way Officer to help shape the brief. Brief to be completed by end of February and circulated to the OWG for comment. Audit to be undertaken March – June 2017.

3. Dawlish SANGS

3.1 The 26ha Dawlish SANG is progressing well. An application for a car park and change of use of agricultural land was approved at Teignbridge Planning Committee on 24th November 2016.

3.2 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. JTT have commenced works onsite (see photo 1, below) and are expected to complete by May 2017.

Photo 1: *Works commence on access road, drainage and car park.*



3.3 A detailed landscape and ecological management plan has been submitted to the planning authority with the support of RSPB. Five hectares of arable stubble have been retained onsite for the benefit of Cirl buntings, with a grass seed mix sown across the remaining area.

3.4 A tender is out for deer proof fencing to protect new areas of tree and scrub planting and negotiations are underway for an agricultural tenancy to manage the arable area. Tree and scrub planting are expected to commence alongside the installation of fencing in March. Remaining infrastructure items including paths and interpretation are programmed in line with plans for a summer opening.

Natural England comment:

Natural England welcomes the progress made and endorses the recommendations made. However this report recommends (no.4) that the committee should not receive 'recommendations for the 2017 Annual Business Plan(ABP) until the next meeting (June 2017)'. Whilst acknowledging that the mitigation strategy is undergoing a "rebasing" exercise which may require changes to the 2017/18 ABP it would seem preferable, certainly in future years, to bring the new ABP to the March committee to avoid a delay of 3 months to delivery in the new financial year.

Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
March 2017