



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

## *Review of zones in the Exe Estuary*

Neil Harris, Habitat Regulations Delivery Manager  
October 2017

Legal comment/advice:

The report identifies the legal background and details the process that has been gone through, including significant engagement / consultation, to arrive at a final set of proposals in respect of protective zones within the Exe Estuary.

The recommendations from the EEMP report (with the further requirement in respect of restricting powerboat usage during certain times) appear sound and are reflected in the recommendations to the Executive Committee.

Essentially, the wildlife refuges are areas that the Partnership will look to estuary users to respect and avoid for the reasons detailed in the report. However this is voluntary and therefore there is no basis for enforcement in the event users disregard what is proposed. The only aspect that might be capable of enforcement relates to the restriction on powerboating in the Exmouth Wildlife refuge during a certain period, however this will be for Exeter City Council to consider, as Harbour Authority, and progress accordingly – Recommendation 3 addresses this.

Otherwise there are no legal implications requiring comment.

Finance comment/advice:

Actions and measures outlined in the report are within the financial resources allocated in the approved Business Plan.

<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. Notes the outcome of the comprehensive consultation exercise on the introduction of Wildlife Refuges and records its thanks to the Exe Estuary Management Partnership for undertaking the initial stages of this exercise.
2. Approves establishing 2 Wildlife Refuges at Exmouth and Dawlish Warren as recommended in Section 6 of the Exe Estuary Management Partnership's report 'Exe Estuary Zonation Review – Consultation Report' but with a change to preclude the use of powerboats in the Exmouth Refuge between 15 September to 31 December.
3. Recommends that Exeter City Council undertake a review of Byelaw 4a (relating to use of powerboats in the designated 'Powerboat' zone) with a view to precluding use of powerboats in the designated area between 15 September to 31 December.
4. Receives an annual Wildlife Refuge Monitoring Report.
5. Receives an overarching review of monitoring results after completion of the third year of monitoring (2021).

Equalities impact: Low

Risk: High. Evidence as outlined in the report indicates that existing levels of disturbance from recreational activity may be sufficient to result in the Exe estuary being less able to support designated bird populations. Within the context of an increasing human population, it is not permissible to wait until the populations of species protected under SPA legislation are in decline before taking action. Without robust and effective mitigation which enables the partner authorities to be certain of no net impact to protected sites, continued development as outlined in respective local plans and within 10km of the estuary is at risk of legal challenge.

## 1. Summary

1.1 The Exe Estuary is designated as a Special Protection Area (SPA) for regularly supporting a community of at least 20,000 waterfowl. In simple terms, this affords the estuary legal protection against the deterioration of its habitats and disturbance (and deterioration) of the species for which it has been designated. Evidence reported in the Exe Disturbance Study (2011) demonstrated that:

“Disturbance is currently therefore influencing the distribution and behaviour of birds on the Exe. These impacts may be sufficiently widespread and frequent to result in the estuary being less able to support the designated bird populations”<sup>1</sup>

The study is key because it establishes reasonable scientific argument that activities on and around the Exe are causing disturbance to protected features - and have been since at least 2011. The precautionary principle is integral to legislation<sup>2</sup> and compels the partner authorities to act in such circumstances.

<sup>1</sup> *The Exe Disturbance Study, Footprint Ecology, 2011 (7.15, pg.88)*

<sup>2</sup> *The Conservation of Species and Habitats Regulations 2010 (as amended).*

1.2 The partner authorities have all established Local Plans which set out housing growth across the region. The South-east Devon European Site Mitigation Strategy (“the Strategy”) describes housing growth in the context of the Exe:

“Housing within 1km of the Exe Estuary is set to increase by 20% (3,138 houses) as a proportion of existing housing within 1km (15,395 houses). Looking at all housing within 10 km, there will be a 29% increase surrounding the Exe...”<sup>3</sup>

1.3 Using data from the Devon Household Survey (2012) and Exe on-site visitor survey (2010), the Strategy goes on to predict a 20% increase in visits from households within 1km of the estuary. This rises to a 27% increase in visits from households within 10km of the estuary.

1.4 In June 2016, the Habitat Regulations Executive Committee (HREC) approved a review of zonation in the Exe Estuary as part of the 2016-17 Annual Business Plan. Due to their neutral standing, history of involvement, established network of user groups and success in implementing a Voluntary Exclusion Zone in 2009, the Exe Estuary Management Partnership (EEMP) were commissioned to undertake the zoning review.

1.5 Consultation started on 8<sup>th</sup> December 2016 and consisted of 18 specific user group meetings, 2 general meetings, a dedicated website and 2 online surveys. A number of conversations and informal meetings also took place to enable detailed discussion. Feedback was also received by post and email. Original proposals are included as appendix (A).

1.6 The consultation was promoted through a number of press releases, through social media, the Exe Press newsletter, the EEMP and Devon County Council websites, by email, on-site posters and through direct contact with the Habitat Mitigation Officers.

1.7 Comments, compromises and suggestions put forward by respondents to the EEMP’s consultation were discussed by members of the EEMP and South East Devon Habitat Regulations Partnership (SEDHRP) Officer Working Groups on 6<sup>th</sup> June 2017. This resulted in significant amendments to the original proposals, primarily in response to concerns of safety and accommodating (as far as possible) existing uses of the areas.

1.8 All final recommendations (map boundaries are shown in appendix (B)) are detailed in the EEMP’s “Exe Estuary Zonation Review Consultation Report” (“the EEMP consultation report”) and were endorsed by the EEMP Management Group on 21<sup>st</sup> June 2017. They were displayed at a public “drop-in” event at County Hall, Exeter on 29<sup>th</sup> June 2017, which also marked the hand-over from EEMP to the South-east Devon Habitat Regulations Partnership (SEDHRP). The report is included here in appendix (C).

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<sup>3</sup> *South-east Devon European Site Mitigation Strategy, Footprint Ecology, 2014 (3.24, pg. 74)*

1.9 From 29<sup>th</sup> June to 10<sup>th</sup> August 2017 there was a 6 week period during which a “final options” consultation was carried out by SEDHRP. This was particularly to allow for seasonal estuary users to comment and to allow for comments on the EEMP’s final recommendations.

1.10 The questionnaire was publicised widely using press releases, social media publicity, was sent out to those on the Exe Estuary Management Partnership database and was sent out to those who had taken part in the previous stage of the consultation and gave their email address. Paper copies of the questionnaire were made available on request.

1.11 Given that the EEMP final recommendations were already agreed by the members of both Officer Working Groups and the EEMP Management Group, the main purpose of this report is to consider responses and comments received during the final options consultation, included here in appendices (D) and (E).

1.12 The Wildlife Refuge proposals are essentially a request to the thousands of people using the Exe Estuary to act responsibly and refrain from using two critically important ecological areas. As shown in figure (1) below, these represent just 3.5% (840,548 m<sup>2</sup>) of the SPA (23,457,100 m<sup>2</sup>) throughout the year (at Dawlish Warren) and a total of 7% (1,669,295 m<sup>2</sup>) for 14 weeks of the year (when including the Exmouth refuge area).

1.13 Whilst they remain voluntary area proposals, the continued use of the proposed Exmouth refuge by Powerboats (during mid-Sept to end Dec) is undoubtedly anomalous. Therefore, the Officer Working Group recommend that byelaw 4(a) which permits speeds over 10knots in this area, at that time, is reviewed by Exeter City Council, being the Harbour Authority.

1.14 No fines or enforcement are suggested or recommended. The success of these proposals are inevitably dependent on effective promotion and their adoption by the many responsible users of the estuary.

**Figure (1).** Wildlife Refuge areas relative to the wider estuary.



## 2. Evidence and approach

2.1 The Exe Disturbance Study was commissioned in partnership by the Environment Agency, Natural England and the Exe Estuary Management Partnership. Footprint Ecology were chosen as the best consultant to complete the study because of their high-quality, science based ecological work and national breadth of experience in the issues under study.

2.2 A critique of the Exe Disturbance Study was raised with Natural England and the Local Authorities in August 2012 and has subsequently been quoted by a number of people objecting to the current recommendations. Senior ornithologists from Natural England met to discuss these concerns with those raising them in October 2013. Having considered the issues raised, both Natural England and the partner authorities have rejected the critique.

2.3 The critique of the joint approach to Habitat Regulations mitigation fails to recognise the issues relating to the cumulative impacts of new housing over a wide area and implications of gradual but steady increases in access over a prolonged period. It also misses a strategic plan-level assessment and the challenges (and opportunities) presented when assessing the impacts associated with tens of thousands of new dwellings and the recreational needs of their future residents. It did not make reference to site conservation objectives, which are fundamental to informing a Habitat Regulations Assessment (HRA). It fails to reflect or consider the breadth of information used for decision-making and was incomplete with respect to the legislation.

2.4 Any plan-level HRA must consider the effects on the site for the lifetime of the housing, i.e. a permanent potential impact, and one which may even become more intense over time if recreational activities change over time (e.g. with climate change). The assessment must also consider all interest features; both the waterbird assemblage as a whole and individual species, some of which can be present on the estuary from July through to March. Given these considerations, the evidence on visitors and disturbance, and the scale of housing change, there is clear evidence of risk.

2.5 It would be a breach of legislation to wait until disturbance levels are such that the estuary's protected waterbird populations are in decline before taking action. The critique failed to appreciate the requirement for precaution, which is built into the legislation to account for uncertainty. Precaution ensures protection where there is doubt but there should be a credible scientific argument to establish the possibility of an impact. The Exe Disturbance Study clearly established that this is the case on the Exe Estuary and therefore the "do nothing" option must be rejected.



2.6 During 2016-17, EEMP co-ordinated surveys of disturbance activity at Dawlish Warren NNR. Of the direct observations made, more than one third of those recorded were small sail boats, whilst more than half were made up of small sail boats and small fast boats (such as RIBS). The EEMP consultation report states:

“the most notable cause of disturbance arose from canoes / kayaks, which accounted for 45% of all disturbance events recorded, which resulted in flushing the birds from the area (i.e. caused the birds to fly further than 50m away). This further highlights disturbance issues at Dawlish Warren NNR, where a quiet, non-engine powered activity (which might be considered low-impact) can access areas at low tide which other activities cannot, and can actually present a highly disturbing activity if the person in control is not aware of the sensitivities of the area.”<sup>4</sup>

2.7 Additionally, Teignbridge District Council officers based at Dawlish Warren NNR have provided a log of 53 significant disturbance incidents recorded from 2009-2017 (included here in appendix (F)). These direct observations were recorded not as part of a dedicated monitoring programme but during the course of other duties, accounting for their irregularity.

2.8 The records clearly provide evidence of ongoing disturbance by both powered and non-powered craft. Additionally, they also provide evidence of ongoing disturbance to protected species, including:

- Oystercatcher
- Dunlin
- Grey Plover
- Wigeon
- Dark-bellied Brent Goose

2.9 Disturbance can modify the feeding and roosting habits of wildfowl and place additional energetic stress on birds through increased activity and lost feeding opportunities. This is likely to reduce fitness and survival, particularly if it occurs during periods when they are already stressed by other factors, such as poor weather, food shortage or prior to/after long distance migration.

2.10 Given the reasonable, evidence-based scientific argument that disturbance from water activities may be affecting the ability of the estuary to support the designated bird populations, Regulation 61 of the Habitats Regulations requires the local authorities to mitigate the predicted impacts if residential development in the area is to continue. This mitigation must be sufficiently robust for the Local Authorities to be certain that there will be no net impacts to the protected sites.

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<sup>4</sup> Exe Estuary Zonation Review Consultation Report (EEMP, 2017, pg. 14)



2.11 The Wildlife Refuges should be viewed in the context of a wider, interconnected and coordinated approach. This includes a broad range of educational approaches through the Habitat Mitigation Officers, leaflets, signage and interpretation. Other projects promote responsible dog ownership and behaviour across the whole region and significant areas of countryside have been (and will be) brought forward as Suitable Alternative Natural Green Space (SANGS). A comprehensive programme of surveys and monitoring will provide an ongoing measure of the effectiveness of this approach.

### **3. Safety**

3.1 The safety of all users on the estuary is of paramount importance. Any vessel or craft would be able to enter the Wildlife Refuges for reasons of immediate safety. It is considered reasonable to ask users, once safe, to make their way out of the refuge or recover their craft at the shore.

3.2 At the same time, it is also reasonable to expect that, once established, users incorporate the Wildlife Refuges into their plans for visiting the estuary and take personal responsibility to avoid them, subject to 3.1. The presence and location of the refuges should be promoted through new codes of conduct, via marker buoys on the water, leaflets and new signage covering the whole estuary.

3.3 Concerns regarding safety have been raised by users during the consultation process and have been addressed through significant amendments to the original proposals. These are detailed later in the report.

## 4. Exe Estuary Management Partnership – context.

4.1 A review of behavioural controls in the Exe Estuary was undertaken by the EEMP in 2014, resulting in the Exe Estuary Recreational Framework report. One of the key proposals in this document related to the establishment of a “Sensitive Area” in the estuary to the north of Dawlish Warren, aligned with the existing NNR boundary. This would:

“provide a refuge on the estuary, where wildlife could live undisturbed by human activities.... a zone where all forms of water and land-based activities would be avoided...all year around”<sup>5</sup>

4.2 In 2009, the EEMP had successfully worked in partnership with kitesurfers to establish a Voluntary Exclusion Zone (VEZ) (covering a large part of the Exmouth LNR), in recognition of its importance for feeding birds. Local kitesurfers helped to promote the zone through websites, printed materials and by word of mouth.

4.3 The framework report also highlights a variety of issues relating to lack of awareness or adherence of some measures (including existing zones), lack of resource for public engagement and insufficient promotion and signage.

4.4 There are seven pages of recommended mitigation actions within the report, covering the main types of water activity on the estuary. In addition to the Dawlish Warren Sensitive Area, of particular significance are the following:

- for all activities to avoid roost sites (a 200m buffer drawn around roost sites)
- to introduce a number of VEZ during 1 September to 1 April, at the Clyst, the Bight, Shutterton Creek, Cockle Sand and Lympstone for kayaks, canoes, paddle boarding and rowing.
- The Powerboating area should be only used during the period of April to mid-September.
- To relocate the Powerboating area outside the estuary.

4.5 Underpinning this work are the results of species monitoring via the Wetland Bird Survey (WeBS<sup>6</sup>), which shows that the majority of the internationally important populations of Dark-bellied Brent Goose, Wigeon and Oystercatcher in the estuary are found at Dawlish Warren National Nature Reserve (NNR) and Exmouth Local Nature Reserve (LNR). Coupled with the presence of the *Zostera* (eelgrass) beds (which provide the main food source for some SPA protected species), it is not surprising that EEMP’s initial discussions with key stakeholders quickly identified these two key areas as critical to the ecological function of the SPA.

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<sup>5</sup> *Exe Estuary Recreational Framework, Exe Estuary Management Partnership (2014, pgs.39-40)*

<sup>6</sup> *The Wetland Bird Survey (WeBS) is the monitoring scheme for non-breeding waterbirds in the UK, a partnership coordinated by the British Trust for Ornithology (BTO).*

## 5. EEMP – Consultation and final recommendations

5.1. Throughout the consultation period, a number of concerns were raised. Through the questionnaire, approximately 70% of respondents raised issues with the original proposals. However, although concerns were also raised during consultation meetings, the EEMP reported being able to clarify misunderstandings about the proposals and discuss with users what they would like to see amended.

5.2 A total of 57 responses were received which supported the introduction of these zones. Many local users communicated their respect for the environment and supported protection of wildlife and habitats. Some suggested that the proposals do not go far enough to protect such an ecologically important site.

5.3 A total of 222 completed questionnaires were received. The EEMP review addressed a number of concerns raised by users during the consultation as detailed in the EEMP consultation report. The most common responses were:

- Why are the VEZs needed?
- Abandon the proposals.
- There will be less space and freedom to do my water-based activity.
- We don't really disturb birds and wildlife with our non-engine powered activity based on the water.
- There'll be nowhere for novices and beginners to train and practice their chosen activity on the water.
- There is no / very little credible evidence for the reasons behind the proposals.
- I have concerns about being able to safely carry out my activity if the refuges are in place.
- I am concerned that there are further plans for other VEZs, and that there are plans to make these voluntary zones statutory. Is this the "thin edge of the wedge"?

5.4 Comprehensive responses to these concerns are included in the EEMP consultation report<sup>7</sup> and therefore are not reproduced here.

5.5 The EEMP amended the original proposals in order to address the majority of issues highlighted (for example, safety concerns by allowing small vessels to come out of the navigation channel). All comments and feedback received during the EEMP consultation process were taken into account to form new recommendations. The amended proposals need to balance the legal obligations of the protected areas against the legitimate interests of users.

5.6 The amendments offer substantial compromise; making the Wildlife Refuges smaller to allow continued use of more of the estuary for recreation. This leaves some high-tide roosts and areas of eelgrass unprotected and allows no "buffer" for wildlife.

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<sup>7</sup> *Exe Estuary Zonation Review Consultation Report* (EEMP, 2017) Pgs.35-38

## 6. Exmouth Wildlife Refuge – EEMP recommendations

1. Temporal restriction: mid-September to end-December.
2. Tidal restriction: all tidal states.
3. Dog walkers to turn left (south) when accessing foreshore from the Imperial Recreation Ground slipway.
4. Current Kitesurfing Exclusion Zone superseded by new Exmouth Wildlife Refuge.
5. Power boats have continued use within their designated area, where the 10 knot speed limit can be exceeded when tidal height is 3.8 metres or more above chart datum, as set out in byelaw 4a.
6. Water skis have continued use within their designated area, where the 10 knot speed limit can be exceeded, as set out in byelaw 5a.
7. Wildfowling to have continued use of areas on Exe, including within the Exmouth Wildlife Refuge, as agreed through consent with relevant authorities who grant lease agreements. Activity is tightly controlled through regulations, agreements, tests and permits.
8. Continued angling from area on shore adjacent to Exmouth Wildlife Refuge, i.e. 'The Gate / Field'. However, anglers to avoid entering Exmouth Wildlife Refuge by boat.

6.1 The compromises and subsequent amendments made to the original proposals are significant:

- Western boundary moved eastwards, allowing an approximate 750m buffer zone to the main channel for safety reasons. This makes the area smaller than the existing Voluntary Exclusion Zone and makes more sheltered area available around the Imperial Recreation Ground in consideration of the needs and safety of novices and learners.
- Temporal restriction changed from September-March, to mid-September to the end of December. This is a 50% reduction, also in consideration of the needs and safety of novices and learners.

## 7. Dawlish Warren Wildlife Refuge – EEMP recommendations

1. Temporal restriction: all year.
2. Tidal restriction: all tidal states.
3. For dog walking: statutory exclusion already in place through NNR byelaw.
4. For low tide activities (e.g. angling, bait digging, walking): On the foreshore, stay left (north) of line between Cockwood Steps and the southern tip of the wreck.
5. For high tide activities (e.g. canoeing, dinghy sailing, Stand Up Paddleboards (SUP) Buffer zone for water-based activities, which comes in from the navigation channel by 100m, until the mouth of Shutterton Creek, where the boundary re-joins at the mean low water mark.
6. Current Angling Voluntary Exclusion Zone superseded by new Dawlish Warren Wildlife Refuge.
7. Continued access for Eales Dock via Shutterton Creek, with a voluntary agreement to promote responsible use of the Wildlife Refuge.
8. Nine existing crab tilers will continue to work under permit in the northern part of this area, in adherence to the Inshore Fisheries and Conservation Authority (IFCA) byelaw and following robust and updated codes of conduct.
9. Official survey work will be allowed if disturbance is minimal.

7.1 Again, significant compromises have been made to the original proposals:

- The Northern boundary near Cockwood has been moved ½ km south. The area is somewhat less important for wildlife than the rest of the NNR and responses indicated that the area is well used by anglers and dinghies.
- In response to statements relating to the safety of small craft in the main channel, a 100m buffer zone running North-South along the NNR boundary was proposed. 100m is a substantial safety zone for smaller vessels.

## 8. Other recommendations.

8.1 The EEMP consultation report also included updates regarding ongoing work (revised codes of conduct) and identified additional recommendations, including:

- Promotion of Wildlife Refuges through signage, staff, volunteer wardens, leaflets, websites and social media.
- Marking of the refuges and associated areas through buoyage or “withy”<sup>8</sup> markers.
- The introduction of permitting systems for crab collectors at Dawlish Warren (and potentially across the whole estuary).
- Monitoring of the refuges, incorporating annual reviews to explore if they are working as intended or whether modifications or amendments are needed.
- Byelaw review following assessment of the effectiveness of the refuges.
- Amendment of the water ski area to extend North by approximately 700m.

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<sup>8</sup> Willow sticks embedded into mud and/or sand as navigational markers.

## 9. SEDHRP Phase – consultation results

9.1 A total of 157 completed questionnaires were returned and indicated:

- 67% of respondents had been to / used the proposed Wildlife Refuge area near Dawlish Warren one to five times or less in the last 12 months.
- 59% of respondents had been to / used the proposed Wildlife Refuge area at Exmouth one to five times or less in the last 12 months.

9.2 When asked about the changes they would propose, the most common comments were:

- Abandon the proposal.
- There isn't any / enough evidence to back up the proposal.
- Public opinion is against the current proposals / people don't support them so they won't work.
- The Wildlife Refuge areas need to be used for safety reasons, to keep some users out of the strong tidal current.
- Non-engine water users don't have any / much impact so shouldn't be included.
- People using the area don't have any / enough impact on the estuary.

9.3 Other common comments included:

- I support the proposals to protect wildlife, it's a vitally important area for birds / It's a sensible balance between humans and wildlife.
- You haven't listened to comments in previous consultation / you won't listen to what we say.
- Concerned about how the Wildlife Refuge Areas will be managed / policed / enforced.

9.4 Full results and redacted responses (to remove personal details) are included here in appendices (D) and (E). The results and responses were considered and debated by the SEDHRP Officer Working Group on 6<sup>th</sup> September 2017, in order to agree recommendations to HREC.

## **10. Analysis of results**

10.1 When considering the results of both consultations, it is important to note that the review was heavily focused on attempting to work co-operatively with user groups to reach a sensible compromise.

10.2 It can be seen that responses to the SEDHRP consultation are not substantially different in nature to those received during the first phase. It is evident that a number of respondents still ask for the proposals to be abandoned and claim that the evidence is not sufficient. Section 2 of this report explains the available evidence and why it is not recommended that the proposals are abandoned.

10.3 Some responses are critical of changes made to the original proposals and do not feel that their points have been listened to. The Officer Working Group maintain that significant compromises have been made as a direct result of previous responses. Safety concerns have been addressed and both refuges have been reduced in size as a result. This should provide ample space for those users wishing to use areas adjacent to the refuges.

10.4 Other responses concerned with the (purported) lack of impacts of non-engine powered craft are addressed through the additional evidence provided by the EEMP and officers at Teignbridge District Council (see 2.6-2.8, above).

10.5 In light of the foregoing, the view taken is that the final recommendations of the EEMP report should be adopted, but with one amendment relating to the use of powerboats in the Exmouth Refuge. The proposal is that between the dates of 15 September to 31 December, powerboating should not occur within the refuge area. This could potentially be more rigidly applied if Exeter City Council (as the Harbour Authority) amended byelaws controlling the activities of powerboats to limit the use to outside of these dates.



## **11. Conclusion**

11.1 Thanks are due to everyone who shared their views, without whom the entire process would not have been possible. The issues involved have proven to be contentious and undoubtedly the results of both consultations indicate that some users will be unhappy with the final outcome. Nonetheless, the recommendations are considered to provide the best possible compromise, given the circumstances.

11.2 The partner authorities have a legal obligation to ensure no net impacts to protected sites as a result of local housing plans. To be certain of no net impacts from recreation, robust and effective management of access to and on the Exe Estuary is required.

11.3 Significant amendments have been made to the original proposals. This has been the result of an extensive 9 month consultation period with many different users of the Exe Estuary.

11.4 The wildlife refuges present one of the most significant (albeit voluntary) changes to access in the estuary for a number of years. They are needed in the context of a significant increase in the local human population, associated recreational activities and evidence indicating existing impacts to protected species and habitats.

11.5 The protected species depend on the estuary for their survival. The evidence, coupled with the precautionary approach required by legislation makes it clear that doing nothing is not an option. To work effectively in the interests of everyone, the refuges will depend on the goodwill and education of people using the estuary for their recreational pursuits.

11.6 It is recommended that the Executive Committee receive annual monitoring reports in order to maintain an overview of how effective the refuges are. After a period of 3 years there should be an overarching review of monitoring results to ensure the continued efficacy of the approach.

**Neil Harris**  
**Habitat Regulations Delivery Manager**

**South East Devon**  
**Habitat Regulations**  
**Executive Committee**  
**October 2017**

**Natural England comment:**

We support the recommendations made, however we suggest that recommendation 4 be amended slightly to reflect the need not just for monitoring but also for review of the results of that monitoring, and the opportunity to make changes in the light of those results, which may further address the concerns of users.