Habitat Regulations Executive Committee
Appendix (C): EEMP Consultation Report

Exe Estuary Zonation Review
Consultation Report

Exe Estuary Management Partnership

Commissioned by:
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1. EXECUTIVE SUMMARY

Future housing growth in areas around the Exe Estuary and Dawlish Warren will result in increased pressure on these ecologically important sites. Their designated status requires steps to be taken to mitigate these impacts. The approach to such work is set out in a formal strategy adopted by the South East Devon Habitat Regulations Partnership (SEDHRP) and includes a review of zonation on the Exe Estuary. The Exe Estuary Management Partnership (EEMP) was commissioned to lead this process. Between early December 2016 and late April 2017, The EEMP held a public consultation, gathering knowledge from local users, national bodies and managers of the Estuary, in order to inform this review. The results of this process are set out in this report.

The EEMP has been in place for over 20 years and acts as a neutral body to balance the needs of all legitimate users of the estuary with the legal requirements of its protected wildlife and habitats. Its involvement in this review of zonation aligns well with the objectives and priorities for the EEMP, as set out in its adopted Management Plan.

Initial discussion with key stakeholders suggested that the review should focus on just two critical locations within the Estuary. This resulted in a draft set of proposals which was subject to consultation through 18 separate and specially arranged user group meetings, two collective consultation events and a formal online questionnaire.

The amended proposals suggested through this report, best reflect the feedback received through the consultation, whilst providing adequate protection for the nature conservation interests of the designated Exe Estuary and Dawlish Warren sites. These proposals have been endorsed by the EEMP Management Group, and presented to the SEDHRP, who will undertake the next stage of user feedback before a decision is made by their Executive Committee on whether to approve the proposals.

The report clarifies the changes to the original proposals, suggested by the EEMP, in response to concerns that were raised through local users. These amended proposals are based on two ‘Wildlife Refuges’ in Dawlish Warren and Exmouth (previously referred to as ‘Voluntary Exclusion Zones’), with modified boundaries which allow the users continued safe and responsible use of the Estuary.

Modifications include a reduction in area from initial proposals, with boundary buffer zones enabling safe recreational use and continuation of certain named activities which have existing agreements or restrictions. The amendments mean that the proposed Wildlife Refuges cover only 7.12% of the Estuary during 14 weeks, and a mere 3.58% year round, with the rest of the publicly accessible areas of the estuary available for recreational activities. These areas have been reduced by approximately 21% from original proposals, as a result of the consultation.

Feedback through the consultation suggests that amended areas are likely to have low impact on users. The Wildlife Refuges would provide areas of protection for the some of the most vital feeding and roosting grounds for internationally important bird populations, which rely on the Estuary for survival on long migratory journeys. The amended proposals won’t provide the perfect outcome for either wildlife or human interests, but they offer the best compromise under the circumstances.

The proposed Wildlife Refuges are based around a voluntary approach. The report confirms that relevant users will be asked to avoid entering these areas; there will be
no enforcement, instead, the recommended approach is to talk to and help to educate people about why these areas are so important, with plans to introduce new signage and markers for the Wildlife Refuges. The EEMP will also be working on new and updated codes of conduct for the Exe, collaborating with local users and national recreational bodies, to ensure safety, consideration of other users and nature conservation. Safety of users on the Estuary is of utmost importance; the report clarifies that users may need to enter the Wildlife Refuges on occasion, to avoid hazardous situations.

The protection of the internationally important Exe Estuary relies on the involvement of local users. The EEMP appreciates the involvement and experience of users during this process, and looks forward to continuing working together to ensure the success of these Wildlife Refuges and make a positive difference to this beautiful place. Detail of how to get involved, and to help inform codes of conduct, will be available on the EEMP website during July to September, at www.exe-estuary.org.
2. INTRODUCTION

2.1. Exe Estuary Management Partnership

The Exe Estuary Management Partnership (EEMP) has existed since the mid-1990s. Due to the complex array of organisations with (sometimes overlapping) management responsibilities for different aspects of the Estuary, a partnership approach is the most effective model by which to achieve consistent management of the Estuary resource as a whole. The EEMP seeks to conserve and enhance the Estuary’s special nature and promote sustainable economic and social activity by managing competing demands and addressing any conflicts as they arise, to ensure that interests and activities are harmonised.

The EEMP is the management group responsible for the co-ordination of the Management Scheme of the Special Protection Area (SPA), which identifies policies which aim to achieve favourable condition of the wildlife and supported habitats protected under this designation. The framework for the co-ordinated management of the Exe is provided by the Exe Estuary Management Plan 2016-2021, which can be found on the EEMP website at: https://www.exe-estuary.org/web/exe-estuary/partnership-documents5

Partners of the EEMP include Devon County Council, East Devon District Council, Teignbridge District Council, Exmouth Town Council, Dawlish Town Council, Starcross Parish Council, Woodbury Parish Council, Natural England, RSPB, Lympstone Fishery and Harbour Association, the RYA, Powderham Estate, the Environment Agency, and Devon and Severn IFCA. An Exe Estuary Officer is employed by the EEMP to act on its behalf. The Partnership retains joint authority for the work through quarterly Management Group meetings, with a Forum Chair and Vice Chair representing the views of the local community as elected representatives. The work of the Exe Estuary Officer is guided by an Officer Working Group.

With the wide variety of activities that take place on the Exe, the EEMP strives to work with local users and communities to strike a balance between the interests of different user groups and wildlife.

2.2. South East Devon Habitat Regulations Partnership

Teignbridge, East Devon District and Exeter City Councils have established the South East Devon Habitat Regulations Partnership (SEDHRP), to help protect three internationally important conservation sites for future generations to enjoy: the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths. The SEDHRP will off-set the effects of new development and population growth on these conservation sites, providing safe areas for all users to enjoy and caring for the bird populations they support.

The SEDHRP working group includes the EEMP, Clinton Devon Estates, Devon Wildlife Trust, the RSPB, Natural England and the National Trust, and funding has come via contributions from developers of new housing across the three council areas, within a 10km “zone of influence”. The work of this partnership is guided by the South-east Devon European Site Mitigation Strategy, which can be found at: http://eastdevon.gov.uk/planning/planning-policy/environment-and-green-infrastructure/biodiversity/ and includes projects such as engaging with the public and
recreational users through two Habitat Mitigation Officers, installation of new signage and a number of monitoring initiatives, overseen by the Habitat Regulations Delivery Manager.

The Mitigation Strategy indicates that currently approved Local Plans provide allocations for approximately 30,000 new homes to be developed within the zones of influence, and proposes a package of essential mitigation measures, both on the protected sites and in new areas of accessible countryside. These measures are necessary to protect the integrity of the sites in light of this level of future growth and the predicted increase in recreational pressures. The decisions of this partnership lie with the South East Devon Habitat Regulations Executive Committee, which is made up of one Member from each of the three local councils: Teignbridge District Council, East Devon District Council and Exeter City Council.

The position statement of the SEDHRP can be found in Annex 1.

2.3. Partnership Working

The Greater Exeter Strategic Plan (GESP), which covers the four local authority areas of East Devon, Exeter, Mid Devon and Teignbridge, (and prepared with input from Devon County Council), provides a joined-up vision to meet the area’s future housing needs, going beyond the timescale of current plans. The plan aims to secure economic growth and increased prosperity, through the provision of new homes, jobs and infrastructure for existing and future generations.

Growth of the scale proposed in Local Plans and envisaged by the GESP will have a significant impact upon the Districts’ local infrastructure, and bring additional pressures to environmentally sensitive sites. The GESP and Local Plans ensure that transport and infrastructure improvements are provided to support sustainable growth, achieve an improved quality of life for local communities and ensure environmental, economic and social wellbeing.

The Community Infrastructure Levy (CIL) is a levy that local authorities in England and Wales can charge on new developments in their area and is the system of agreeing planning obligations between local councils and developers, which was previously carried out under section 106 (S106) of the Town and Country Planning Act 1990. The money raised from the community infrastructure levy (along with that still raised through S106 agreements) can be used to support development by funding infrastructure that supports neighbourhoods, like new or safer road schemes or park improvements, whilst ensuring that the area’s environment is conserved and enhanced.

Without these developer contributions, sustainable growth would not be achievable. The levy and S106 funding allows for the improvements in infrastructure that are needed with the increased population that new homes and jobs bring to the area. They also ensure that increased pressure is managed on European wildlife sites, such as the Exe Estuary, Dawlish Warren and the Pebblebed Heaths.

In order to mitigate for the potential impacts of new housing development on the Exe Estuary and Dawlish Warren, the EEMP is working closely with the SEDHRP. With a history of managing the Exe in a co-ordinated and cost-effective manner, the EEMP is considered to provide an effective route through which to progress a number of the
proposed management measures from the South-east Devon European Site Mitigation Strategy.

The EEMP have been commissioned to take forward some of the work of the SEDHRP for 2016/17, which include revised zoning on the Exe Estuary, including the establishment of a Voluntary Exclusion Zone (VEZ) in the Estuary north of Dawlish Warren, and improved codes of conduct for specific user groups. The following chapters include detail of the proposals for the zonation work, which quote and are informed by the South-east Devon European Site Mitigation Strategy.
3. ZONATION REVIEW

3.1. Background

The Exe Estuary is recognised locally, nationally and internationally in its importance for wildlife, habitats and for its food source for bird populations. Identified as one of the most important estuaries in Europe for the wintering and passage waterfowl that it supports, the estuary itself is designated internationally as a Ramsar site and Special Protection Area (SPA), as well as nationally as a Site of Special Scientific interest (SSSI). In addition, Dawlish Warren is recognised as a Special Area of Conservation (SAC), SSSI and National Nature Reserve (NNR), with Exmouth recognised at a local level as a Local Nature Reserve (LNR).

![Designated Sites on the Exe Estuary](image-url)

Figure 1: Designated Sites on the Exe Estuary.
(Note: The boundary of the Ramsar Site is the same as that of the SPA)
Details of the features which are protected through the various designations can be found in the Exe Estuay Management Plan 2016-2021, and in more detail through Natural England's Designated Sites System (DSS) at [https://designatedsites.naturalengland.org.uk/](https://designatedsites.naturalengland.org.uk/). As an example, the overwintering / non-breeding species of international importance, protected through the SPA designation, includes Avocets; Slavonian Grebe; Black-tailed Godwit; Dark-bellied Brent Goose; Dunlin; Grey Plover and Oystercatcher. The site also qualifies for its internationally important assemblage of wintering wildfowl and waders. The main species in this assemblage include, but are not limited to, Oystercatcher, Grey Plover, Black-tailed Godwit, Dunlin, Dark-bellied Brent Goose, Wigeon, Ringed Plover and Greenshank.

The objective of the EU Habitats Directive is to protect biodiversity through the conservation of natural habitats and wild fauna and flora. The Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”) transpose the Habitats Directive in England and Wales (and to a limited extent Scotland) by ensuring that activities are carried out in accordance with the requirements of the Directive, which lays down rules for the protection, management and exploitation of habitats and species on Natura 2000 or European sites (such as SPAs and SACs).

Within the Habitats Regulations, authorities involved with local planning are given specific duties as ‘competent authorities’ with regard to the protection of sites designated or classified for their species and habitats of European importance. To summarise, all ‘competent authorities’ have a duty to ensure that habitats, along with qualification features of designated sites, are maintained in favourable condition and, where possible, enhanced. Regarding planned growth and development within the 10km ‘zone of influence’ around the Exe Estuary, Dawlish Warren and Pebblebed Heaths, Exeter City Council, East Devon District Council and Teignbridge District Council are working together as ‘competent authorities’ in recognition of these duties to ensure Habitats Regulations compliance.

The relevant policies within the Exe Estuary Management Plan 2016-2021 that relate to recreation and the environment are outlined below:

**WBR1:** Continue to work with recreation organisations (e.g. those representing sailing, mooring and angling) to optimise opportunities, increase awareness and understanding of other user’s needs and to minimise conflict and environmental damage.

**WBR2:** Develop a flexible, responsive and effective framework for recreation management to address activities that are causing disturbance or have an adverse effect on the SPA, SSSI or SAC, through appropriate controls, codes of conduct and speed limits within the Exe Estuary.

**EI5:** Improve awareness and understanding on the issues that impact on the management of the Estuary.

**EI6:** Explore opportunities in developing new educational programmes, working in partnership with other organisations and the recreational and tourism sectors, and improving links with the Exe Catchment.

**EI7:** Raise awareness of the value of the Exe’s habitats and designated sites to ensure local communities and visitors understand the importance of the site in terms of its natural values.

**EI8:** Promote the ecosystem services that the Estuary provides including the health and wellbeing benefits that can be gained from its natural spaces.

**WHD4:** Work with the South East Devon Habitat Regulations Partnership (SEDHRP) to minimise and manage harmful impacts of development and activities that take place on and around the Exe Estuary, developing best practice guidance.
to ensure that the nature conservation features of the designated sites are not adversely affected.

**WHD5:** Work with Estuary users and groups to achieve greater appreciation of biodiversity and increase awareness and compliance of legislation for designated sites.

**WHD6:** Encourage the recognition and designation of any additional areas of high conservation value.

The designations on the Exe Estuary and Dawlish Warren provide protection for a variety of features, including eelgrass beds, dune grassland habitats, a variety of overwintering / non-breeding bird species, and assemblages of wintering wildfowl and waders. Natural England assessments state that some areas are recognised as unfavourable recovering / declining condition, which are partly due to poorly understood declines of some wintering bird populations across the sites. There are also declines specifically in Oystercatcher, Grey Plover and Dunlin. The Dawlish Warren SSSI condition assessment particularly highlights that bird declines at the Warren, an important high tide roost, may be the cause of declines across the Estuary, thus indicating that suitable, good quality high tide roosting sites may be critical to the ecological integrity of the SPA.

Natural England has published Conservation Advice for the Exe Estuary SPA, which, in general, includes targets for the maintenance of populations of qualifying species and habitats. Targets set by Natural England include:

- Restoring the non-breeding populations of Dark-bellied Brent Goose, Oystercatcher and Slavonian Grebe
- Reducing disturbance caused by human activity to Oystercatcher and Dark-bellied Brent Goose

With increased development and a growing population, there is likely to be more human activity on significant conservation sites in the future. The South-east Devon European Site Mitigation Strategy estimates that, based on current houses, there are 8.8 million annual visits to the Exe Estuary from residents within 10km. With approximately 30,000 new homes likely to be developed within this 10km “zone of influence” (according to data supplied by the three local authorities), household visits to the Exe from this area are estimated to increase by approximately 27%, which equates to an approximate 2.4 million additional annual visits.

Protecting these sites from the potential impacts of increased use is important for residents and visitors alike for a number of reasons, including providing safe areas for all users to enjoy and caring for the bird populations they support. Human activity at these sites has been shown to cause disturbance to birds, which restricts habitats, feeding ground and roost sites available to the protected bird species.

To cite the Mitigation Strategy: “Impacts relating to recreation on the Exe Estuary SPA primarily relate to disturbance (though note that some activities such as bait collection result in the removal of prey for birds and boats and other craft can cause damage to the habitat, through for example their moorings or wake).

“Recent work reviewing risks to European Marine Sites in England by Natural England has identified disturbance as a generic issue across many sites, including the Exe Estuary (see Coyle & Wiggins 2010). Disturbance to wintering and passage waterfowl can result in:
- A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick & Bouchez 1998; Stillman & Goss-Custard 2002; Bright et al. 2003; Thomas, Kvitek, & Bretz 2003; Yasué 2005)

- Increased energetic costs (Stock & Hofeditz 1997; Nolet et al. 2002)

- Avoidance of areas of otherwise suitable habitat, potentially using poorer quality feeding/roosting sites instead (Cryer et al. 1987; Gill 1996; Burton et al. 2002; Burton, Rehfisch, & Clark 2002)

- Increased stress (Regel & Putz 1997; Weimerskirch et al. 2002; Walker, Dee Boersma, & Wingfield 2006; Thiel et al. 2011)

Birds have to strike a balance between having the energy they need to fly/migrate/survive and their ability to fly, so they carry only the body fat that they need. Using up these fat reserves by avoidable flights threatens their survival either directly, or impacts their survival on migratory journeys or impedes their breeding when they arrive on their breeding grounds (if they are in poor condition they cannot put energy into raising young).

A variety of published work relates to waterbirds on the Exe, much of which references disturbance issues, some stretching back to the early 1990s (Goss-Custard & Verboven 1993). Although it is difficult to determine the extent to which disturbance affects the health and survival of bird species (due to variations in weather conditions, prey abundance, migration distances, how often they are flushed, etc.), disturbance is shown to influence the distribution and behaviour of birds on the Exe (Goss-Custard & Verboven 1993; Liley et al. 2011). These impacts may be sufficiently widespread and frequent to result in the Estuary being less able to support the waterbirds for which it is protected. Goss-Custard & Verboven (1993) in particular state that “It is possible that disturbance has reached a critical level on the Cockwood beds at which birds are driven away...”. “With continuous intense disturbance of this kind, birds may desert the mussel bed, as has virtually happened on two small beds on the west side of the estuary”. “…some vulnerable sections of the population may now find it more difficult to obtain their food requirements”. This could be significant, because modelling shows that the overall population size can be much affected by the winter mortality rates of young birds”.

The Wetland Bird Survey (WeBS) is a partnership which monitors non-breeding waterbirds in the UK, to identify population sizes, determine trends in numbers and distribution, and identify important sites for waterbirds. WeBS has carried out monthly counts of Estuary birds since 1969, more detail about WeBS (including data and reports) can be found on their website at https://www.bto.org/volunteer-surveys/webs. The WeBS Alerts system provides a method of identifying changes in numbers of waterbirds at a variety of spatial and temporal scales. Species which are designated due to their conservation value at sites in the UK, that have undergone major changes in numbers are flagged, by the issuing of an Alert. Currently, of the 10 species that have been evaluated for the Exe Estuary by the WeBS Alerts system, High and Medium Alerts have been triggered for five species over different timescales:

- High alert: Oystercatcher (since classification) and Lapwing (short term, long term and since classification).
• Medium alert: Dark-bellied Brent Goose (since classification), Red-breasted Merganser (medium term and since classification), Grey Plover (medium term and since classification), Oystercatcher (medium and long term) and Lapwing (long term).

These Alerts highlight that Oystercatcher populations are now 57% lower than in 1992, Dark-bellied Brent Goose has declined by 27%, Grey Plover by 25% and Dunlin by 21%. Slavonian Grebes have declined from a mean of 20 birds to just two.

There are a number of possible reasons for the decline in these species, including climate change, variation in habitat quality and food supply, and disturbance. Disturbance can be defined as any human activity that influences a bird's normal behaviour or survival. Disturbance can affect bird populations through changes to feeding areas or roost sites, energy loss due to increased flight or desertion of supporting habitat. Human activity can impact on a species by permanently changing local distribution and/or abundance.

There are a wide variety of studies which review disturbance effects, a large number of which are discussed within the Exe Disturbance Study (Liley et al. 2011), which can be found on the EEMP website at https://www.exe-estuary.org/studies_and_research, or a summary of the report can be found in Annex 2. The studies demonstrate a range of different impacts, in different circumstances, to different species. These impacts include behavioural effects, such as birds changing their feeding behaviour, and physiological impacts, such as changes in levels of stress hormones.

Due to the designations in place on the Exe Estuary, ‘competent authorities’ have international obligations to protect it and the waterbird populations for which it is classified. In simplified terms, the SPA objectives ensure that the extent & quality of habitat are maintained, birds are allowed to feed in these habitats, and secure roost sites are available. This enshrines the precautionary principle, i.e. it is not acceptable to wait until disturbance levels are such that the Estuary’s waterbird populations is in decline before taking action; measures must be put in place to avoid harm in the first place.

It is also important to note that under the Wildlife and Countryside Act (as amended) it is an offence for any person to intentionally or recklessly destroy or damage any of the special interest features (for which the site was designated) of a SSSI, or intentionally or recklessly disturb the fauna. Doing so in the knowledge that the site is a SSSI incurs a greater penalty. Anyone found guilty is liable to a fine ranging from £200 up to £20,000 at the Magistrates Court or an unlimited fine at the Crown Court.

The Exe Estuary regularly supports an assemblage of at least 20,000 waterfowl, with most birds found at a few important roost locations. Of these, the majority of internationally important populations of Dark-bellied Brent Goose, Wigeon and Oystercatcher are found at the Dawlish Warren NNR and Exmouth LNR.

Wintering bird numbers at the Exmouth LNR start building from August, sharply rising during September and peaking in December. Numbers fall again during March. About two-thirds of the Estuary’s birds roost at Dawlish Warren NNR and Exmouth LNR in October, with Dawlish Warren recognised as one of the most important roost sites on the Estuary during high tide.

At the Warren bird numbers are rising from late July when birds that have failed to breed return. Some species, such as Ringed Plover and Curlew, reach nationally
important numbers during August, remaining until late March, during which other species like Dunlin and wildfowl arrive. From March to early June, although the numbers of birds have fallen, those that are here are migrating from Africa or Europe to the Arctic Circle, so energy levels are critical. Some species, such as Shelduck and Ringed Plover, breed on site. Dawlish Warren is therefore a vital site all year round for important bird species.

On the falling tide, roosting birds initially stay around their roosting sites at Dawlish Warren, whilst many waders move to the lower Estuary and Exmouth to feed. Wildfowl such as Dark-bellied Brent Geese and Wigeon continue to feed until the tide recedes. Although the majority of birds feed in the Estuary at low tide, many of the waders prefer to feed at high tide (by up ending in shallow water) and therefore at low tide there are notable numbers of roosting wildfowl. The WeBS data shows that a high number of birds that feed on mudflats, such as Dark-bellied Brent Geese and Wigeon, feed on *Zostera* (eelgrass) on the rising tide at Exmouth and the north side of Dawlish Warren. This highlights that the feeding patterns of wildfowl and waders are not simply restricted to low tide in the lower Exe.

The maps below illustrate the bird trends on the Exe, as well as at the Dawlish Warren NNR and Exmouth LNR (the sites of the initial proposed sensitive areas) courtesy of the WeBS counts.

**Graph 1: High tide WeBS counts for the Exe Estuary**
Graph 2: High tide WeBS counts for the proposed Dawlish Warren VEZ

Graph 3: High tide WeBS counts for the proposed Exmouth VEZ
Evidence provided by bird counts indicates that bird distributions are related to access. Numbers of birds appear to be low at the Duck Pond and Topsham, where there is easy access to the foreshore, whilst higher counts of birds are found at areas with the lowest levels of access, for example, at Shutterton Creek. Additionally, surveys carried out at various locations through the Exe Disturbance Study (Liley et al. 2011) show that the number of birds varied in response to the levels of access over the previous 45 minutes, i.e. when more people had been present, fewer birds were recorded. A range of activities can result in areas of intertidal habitat being ‘unavailable’ to the waterbirds for which the Estuary is protected.

According to the Exe Disturbance Study (Liley et al. 2011), the activities which account for the majority of major flight events (in order of highest to lowest percentage of major flights) were dog walking with dogs off leads on the intertidal (31%), bait digging on the intertidal (16%), walkers without dogs on the intertidal (15%) and kitesurfing (4%).

During 2016-17, surveys of disturbance activity were carried out at Dawlish Warren NNR. The surveys were intended to supplement the work carried out for the Disturbance Study to give further insight into activities that take place in the area. More detailed monitoring is planned for the next few years. Of the activities recorded in the area during the 2016-17 period, more than one third of those recorded were small sail boats alone, whilst more than half were made up of small sail boats and small fast boats (such as RIBS). 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 highlights a potential issue at the 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. This highlights a need to promote areas which are important for wildlife to users of the Exe, particularly to visitors from other areas who may not be aware of the sensitivities.

The proposals within this report aim to provide areas within the Estuary to protect the environment whilst keeping users safe. Two areas in particular are recognised as important through their statutory designations and due to their importance as feeding grounds and high tide roosts for wildlife. These are Exmouth Local Nature Reserve and Dawlish Warren National Nature Reserve.
3.2. Revised zoning on the Exe Estuary: Initial Proposal

As well as being a site of great importance for nature conservation, the Exe Estuary is a popular tourist destination, is vital to the local economy and highly valued by local people. Protected from the open sea by the sand spits of Dawlish Warren and Pole Sands, the Estuary makes a perfect open space for a wide range of recreational activities and shellfish cultivation. The Exe is home to local kitesurfing champions and supports a number of recreational businesses. It also provides an excellent way for the public to enjoy the open spaces, to appreciate the environment, and to engage in a healthy lifestyle.

During the 1990s the Estuary’s commercial shipping gave way to recreational boating and water sports. Growth of the popularity of water based recreational activities, as well as increasing development, has led to increased competition for space on and around the water, leading to potential conflicts between users and with wildlife. With the projected increase of approximately 30,000 new properties in the ‘zone of influence’ around these European wildlife sites, there will be continued increase in people visiting and using the Estuary. It is important to ensure that all water users of the Estuary are given optimum space to enjoy their recreational activity without threatening or causing undue damage to the wildlife, the Estuary’s conservation status, or other users.

A variety of management measures are suggested in the South-east Devon European Site Mitigation Strategy to mitigate for the in-combination impacts of new housing development on the Exe Estuary, Dawlish Warren and Pebblebed Heaths European wildlife sites. The measures range from soft measures and proactive work with local residents, to enforcement. The proposed amendments to voluntary zones, supported by a suite of new and updated codes of conduct, is considered to be a soft measure that would likely be preferable for local users, rather than statutory management measures. Advantages of voluntary measures include stakeholder involvement, retained flexibility to respond to any change in circumstances, cost effectiveness and the potential for self-regulating and self-policing, rather than statutory measures which rely on regulation and enforcement. Disadvantages of voluntary measures come down to a risk of lack of cooperation from all users. Their effectiveness and success rely on the involvement and support of all recreational users. Where voluntary schemes have failed, statutory approaches, such as the introduction of byelaws, are generally used instead (DEFRA, 2004).

The introduction of Voluntary Exclusion Zones are not a new concept. Similar zones that allow space for important wildlife can be found on a variety of sites. For example, Poole Harbour canoe guide (which can be found at [https://www.dorsetforyou.gov.uk/media/216111/Canoeing-in-Poole-Harbour/pdf/2201_DCF_Poole_Harbour_Kayak_Information_Map_FINAL_WEB.pdf](https://www.dorsetforyou.gov.uk/media/216111/Canoeing-in-Poole-Harbour/pdf/2201_DCF_Poole_Harbour_Kayak_Information_Map_FINAL_WEB.pdf)) includes a map which identifies sensitive areas for birds and outlines the issue of disturbance. The guide asks that users avoid overwintering bird sensitive areas between November and March, and breeding bird sensitive areas between April and June. This is the same approach that these proposals are taking, apart from using different names for the areas. Another example is included in the Pembrokeshire Marine Code, which specifies sensitive areas and maps boundaries which restrict access within these areas to reduce disturbance to wildlife. Maps of access restrictions can be found at [http://www.pembrokeshiremarinecode.org.uk/maps/](http://www.pembrokeshiremarinecode.org.uk/maps/).

Simple identification of areas that are important for wildlife is essential when communicating which areas users can use and which areas they should avoid. National recreational bodies are keen to promote responsible behaviour around
wildlife to users, with a variety of guides available which supports this message. For example, The Green Blue produces 'The Green Wildlife Guide for Boaters' which ask users to keep disturbance to a minimum and suggest that boaters stay at least 100m away from marine wildlife in the water. British Canoeing also have very useful resources (available at https://www.britishcanoeing.org.uk/guidance-resources/waterways-environment/environmental-good-practice/), such as ‘You, your canoe and the environment’, which asks users to “Keep a safe distance away from wildlife to avoid causing disturbance… especially… wildfowl and sea birds as well as their nesting, shelter and feeding areas”. “You, your canoe and the marine environment’ also outlines good environmental practice throughout the guide, and states that users should find out about sensitive places or protected area designations, where human activities have the potential to damage or disturb wildlife. They also mention that human activities may be restricted at certain times of the year due to breeding, resting or feeding seasons. The proposals within this report aim to provide simple and clear areas that are the most important for the protected species on the Estuary, and suggests only two areas that users avoid rather than expecting users to understand the complex designations across the entire Estuary.

A Voluntary Exclusion Zone for kitesurfers exists already at Exmouth LNR, which was introduced by local kitesurfers in partnership with the EEMP in 2009, to allow space for feeding birds in the area. Local kitesurfers have helped to promote this zone through websites, printed material such as the kitesurfing code of conduct and tide tables, and by word of mouth.

A review of existing behavioural controls on the Exe Estuary, such as byelaws (statutory measures), codes of conduct (voluntary) and zoning schemes (some statutory and some voluntary) was undertaken for the Exe Estuary Recreational Framework (2014), which can be found on the EEMP website (in ‘Partnership Documents’). Several of the local authorities around the Estuary – notably Exeter City Council as Harbour Authority – have created byelaws intended to control the impacts of human activity on the water, with several voluntary measures also in place, such as codes of conduct and voluntary exclusion zones. Details and maps of existing zones and controls can be found in the Recreational Framework. This report presents an analysis of the perception of the existing behavioural controls that manage activities on the Exe, and highlights a variety of issues with the controls that are in place. The issues include lack of awareness or adherence of some measures (including codes of conduct and zoning schemes), lack of resource for enforcement of statutory controls and insufficient promotion and signage for existing measures.

Below is an excerpt from the South-east Devon European Site Mitigation Strategy, which outlines the recommendations for zoning on the Exe Estuary:

“Zoning partitions different types of access, determining the overall distribution of visitors on land and water, in both time and space. Zoning is positive in that it creates dedicated areas for particular activities, rather than limiting access.

“There are numerous examples from around the UK coast of zones for particular water based activities, such as water-skiing or kitesurfing. These zones are often set out in codes of conduct, usually developed with local users and user groups. The codes of conduct are sometimes also linked to byelaws, and the implementation of the zones is often driven by safety issues rather than with the aim to minimise disturbance.

“Clubs can address a wide range of issues and adapt quickly to change, particularly where members communicate through forums and electronic discussion rooms.
Working with local groups or clubs is a good way to resolve a lack of awareness or to highlight conservation issues or coastal byelaws. Clubs can provide a means for getting information across and help implement any zoning if they have been involved from the outset.

“Zones are usually established to reflect local conditions, safety issues and site specific factors, and there appears to be little information available to recommend sizes of zones, the space needed for particular activities, etc.

“There are existing zones for particular activities on the Exe Estuary. Details of these zones can be found on a range of different websites, leaflets and signs. There are a number of issues with the current zones”, according to the Mitigation Strategy:

- “They are mapped differently on websites and in various leaflets. For example the existing code of conduct for kitesurfers shows a voluntary exclusion zone between Exmouth and Lympstone that is markedly different from the zone mapped on the Exe Kiteboarders website.

- “They are not communicated to users very well. There is little information available as to how and why the zones have been established, meaning users have relatively little understanding of why they are there.

- “There is relatively little enforcement of the use of particular zones, for example water-skiing frequently takes places in the upper parts of the estuary.

- “There are some overlaps with different zones which creates a potential conflict between users, for example the dedicated water-ski and powerboating areas shown in the Exe Activities leaflet both overlap with the buoyed voluntary exclusion area for kitesurfing.”

Existing zonation of the Exe Estuary is illustrated in Figure 2, with more accurate boundaries of the water ski and power boat areas in Figure 3.
Figure 2: Main land and water-based activity zoning schemes currently on the Exe Estuary (from Exe Estuary Recreational Framework 2014).
Figure 3: Accurate boundaries of Water Ski Area (Byelaw 5a) and Power Boat Area (Byelaw 4a) on the Exe Estuary, courtesy of Exeter City Council.
Figure 4: Dawlish Warren voluntary fishing zones established by the Guide for Sea Anglers.
The suggested review of zonation, as informed by the Mitigation Strategy should include:

- A dedicated kitesurfing/windsurfing zone off the Duck Pond. The zone would ensure kite/windsurfers were not going up the river and ensure the area disturbed by such activities is minimised.

- The kite/windsurfing voluntary exclusion zone to be reviewed to explore whether it should be discontinued if a dedicated kitesurfing/windsurfing zone is created, or whether the Voluntary Exclusion Zone should be extended to all users. The necessary area of *Zostera* bed should be covered by the zone.

- The powerboating zone is positioned accordingly to ensure no overlap with the kite/windsurfing Voluntary Exclusion Zone. The use of the powerboating zone should be for the period 1 April to 1 September only.

- The existing water-skiing zone positioned in approximately the same place, slightly modified to fit alongside the kite/windsurfing Voluntary Exclusion Zone.

- Off the Exmouth Seafront a line indicating a western limit for all watersport / personal water craft / boating activities, ensuring the areas around Dawlish Warren/Warren Point and off-shore are undisturbed.

- A dedicated zone (all year round) for personal water craft remaining in the current location.

Any additional zoning needs should be explored.

“These zones… can be shown clearly on a single map and can be designed so as to provide space for users while also ensuring key areas for birds (such as the mussel beds, *Zostera* beds and freshwater channel near the Duck Pond) are outside the zones.”

The zones should be backed up within the byelaws where appropriate and a clear explanation provided for why they are necessary. The zones should be marked with buoys in the Estuary where possible and details of the locations circulated among Estuary users.

Zones should be promoted through codes of conduct and through future work that the EEMP proposes it takes forward with signage, interpretation boards and leaflets.

At Dawlish Warren, a voluntary landing zone is currently used at Warren Point to restrict visitors to Soft Sand Bay. The water users’ code of practice at Dawlish Warren should be included in the review and options to restrict landing of craft on Warren Point should be explored in depth.
Figure 5: Dawlish Warren voluntary boat zones established by the Dawlish Warren Guide for water users.
A Voluntary Exclusion Zone (VEZ) in our context is an area of the Estuary which has been identified as having particular importance for protected species and habitats. It is by agreement that there should be the minimum possible recreational access in these areas, preferably no recreational activity at all. Depending on the area, this agreement will either be year round or through certain months of the year.

Following a series of meetings of the EEMP and SEDHRP, a VEZ was proposed at Exmouth LNR, to provide protection for the area of eelgrass beds which provide a rich food source for the bird populations. Thousands of birds visit the Exe during winter, some on long migratory routes from places as far as Siberia. These birds rely on the Exe as a feeding and resting ground, which is vital for their survival on their journeys, with some areas of particular importance to the birds. Eelgrass is a type of seagrass found on the Exe, and is a main food source for birds such as Dark-bellied Brent Geese (a protected species on the Estuary). The Environment Agency carries out an annual survey on the extent of seagrass on the Exe. Figure 6, below, shows the result of the 2016 survey.

![Figure 6: Exe Seagrass Survey 2016, Environment Agency](image-url)
The Exmouth VEZ was proposed to lie within the existing boundary of the LNR and cover the eelgrass bed in this area. The new zone essentially covered the area of the already established Kitesurfing Voluntary Exclusion Zone (which kitesurfers helped to create in 2009, working alongside the EEMP) but extended slightly to the west to include the Imperial Recreation Ground slipway as a visible reference point for users. The proposal extended this VEZ to other users of the Estuary (including kayakers, canoers, dogwalkers, bait diggers, etc.), when the area is used by over wintering birds, at all tidal states, due to the feeding patterns and roost sites mentioned in the background information. The exclusion was originally proposed to cover September to March, due to the large number of birds present during this period (evidenced through WeBS counts) and encourages use of the foreshore to the left of the Imperial Recreation Ground slipway. Below is the original proposal from December 2016:
Figure 7: Initial proposal for Exmouth Voluntary Exclusion Zone (drafted December 2016).

The Warren is internationally important for its fragile dune grassland habitats and for the species of both flora and fauna they support. The intertidal area to the north of Dawlish Warren is the most important high tide roosting site on the Exe Estuary. This area is significant for a high proportion of the Estuary's Dark-bellied Brent Geese, Oystercatchers, Bar-tailed Godwits, Wigeon and Teal birds in providing both a feeding area and is of particular importance in providing a high tide roosting area. Ringed Plover, which gather in nationally important numbers from late July to mid-September, use the Bight for feeding and roost on the beach or shores of the Warren. As a result of coastal changes at Dawlish Warren foreshore, land drainage and sea level rise, undisturbed feeding and roosting areas on the Estuary are becoming increasingly difficult for birds to find. It is important to remember that roost sites are important for birds to rest at high tide and also at night. The most vital high tide roost sites at Dawlish Warren are illustrated in Figure 8. Please note that birds use a greater area of the Dawlish Warren NNR as a high tide roost all year round, but this map indicates the areas that are the most important and need the most protection from disturbance.

Identified in a report by the Exe Estuary Management Partnership, informed by the Exe Estuary Recreational Framework (2014), the opportunity exists as part of an overall revision of zones to create a largely undisturbed high tide roost in an area aligned to the boundary of the National Nature Reserve, owned by the Devon Wildlife Trust. This will provide a refuge of significant importance for overwintering birds against increases in recreational activity.

The report does, however, point out that the area is well used by crab tilers and bait diggers, with more than 4,500 tiles laid within the proposed boundary. Considered negotiations with crab tilers and bait diggers will be required, regarding the extent & timing of their exclusion from the area. There should be no new crab tiles laid and existing tiles in the existing IFCA exclusion zone should be removed, unless the process of removal is shown to be more damaging to the intertidal area.

The Exe Disturbance Study by Footprint Ecology (2011) states “The parts of the Estuary with the lowest levels of access (the Bight to the north of Dawlish Warren and at Powderham) are also the parts of the Estuary with the highest bird counts.”

Furthermore, results from the study show that “Bait digging on the intertidal, dog walking with dogs off leads on the intertidal, walking on the shore and intertidal and kitesurfing are the activities which account for the majority of major flight events.”

Any plan to establish a Voluntary Exclusion Zone in this location will need to take into account the existence of Eales Dock, which is a small, privately owned dock at the end of Shutterton Creek, on the landward side of the railway. Research shows that there is established use of the site as a dock and that the current owner is looking to develop the business. Careful negotiation with the owner will be required in order to ensure that any potential disturbance by water craft launching from here is minimised. This might include the distribution of a code of conduct for water users that use the dock, if necessary.

It is proposed that all recreational activity within the Voluntary Exclusion Zone would be restricted all year round, with the exception of allowances for water craft accessing Eales Dock (launching/recovery exclusion for 2 hrs either side of high tide).
Figure 8: The most vital high tide roost sites at Dawlish Warren (please note that birds use a greater area of the Dawlish Warren NNR as a high tide roost all year round, but this map only illustrates the most important and sensitive roost sites), informed by Dawlish Warren Rangers.
Figure 9: Initial proposal for Dawlish Warren Voluntary Exclusion Zone (drafted December 2016).
Any other existing restrictions and access at Dawlish Warren remain in place. For example, dog walkers will continue to use the area as they have done before this consultation. Figure 10 shows existing dog walking areas and restrictions at Dawlish Warren, including the existing byelaw which bans dogs from the proposed VEZ.

Figure 10: Dawlish Warren Dogs Zones established through the byelaws for dogs on the seashore and in the National Nature Reserve at Dawlish Warren.
3.4. Summary of Zonation Review - Initial Proposals

The EEMP was commissioned by the SEDHRP to revise zones for water activities on the Exe. These zones are to very closely adhere to those recommended in the Mitigation Strategy, outlined in the chapters above, or for alternatives to be suggested, with sound and clear reasons given.

In recognition of the area as the main roosting site on the Estuary, a Voluntary Exclusion Zone is to be established to the north of Dawlish Warren, aligned to the NNR boundary. The EEMP will liaise with key stakeholders, for example, Devon Wildlife Trust, crab tilers, bait diggers, Devon & Severn Inshore Fisheries Conservation Authority (D&SIFCA) and Eales Dock.

The EEMP will work with user groups to identify the new zones. In order to achieve the objectives of the SEDHRP, revised zones must function to serve the protection of SPA features. To avoid potential user conflict, no zones should overlap where possible.

Zones are to be shown clearly on a map and be designed so as to provide space for users while also ensuring key areas for birds (such as the mussel beds, Zostera beds and freshwater channel near the Duck Pond) are outside activity zones. The revised activity zones should be backed up within the byelaws where appropriate (detailed in the Mitigation Strategy) and clear explanation provided for why they are necessary. Details of the locations should be circulated among Estuary users.

A safe, clear, buoy or other marking system is required to establish the areas visually, the funding for which would need to be explored, particularly if large areas of the Estuary require buoys to highlight zones. Ongoing maintenance costs of the buoy or marking system will need to be taken into consideration in the longer term.

Suggestions for monitoring the effectiveness of zones on the Estuary is also required. If amended zonation is not effective, necessary alternatives will have to be explored.
4. CONSULTATION PROCESS

4.1. Introduction to Consultation Process

The Exe Estuary Management Partnership (EEMP) led the consultation on the review of zonation, commissioned by the South East Devon Habitat Regulations Partnership (SEDHRP). With a history of managing the Exe in a co-ordinated and cost-effective manner, the EEMP is considered to be an effective route to progress with management measures such as this which require high levels of stakeholder input. As stated in the Mission Statement, the EEMP provides a communication route between local stakeholders and relevant authorities who manage the Exe. The Partnership aims to ensure that the interests of wildlife and humans are harmonised, by managing competing demands and addressing any conflicts as they arise.

The recommendations given above, which stemmed from the South-east Devon European Site Mitigation Strategy and a number of meetings of the SEDHRP, provided a useful starting point for consultation with recreational users, residents, local businesses, visitors, user groups and interested organisations. Some degree of flexibility was required to allow users to help define zones, providing the designated natural features are protected and safe space is allowed for other users and safe navigation. People were invited to share their views about the future use of this natural resource through the public consultation. The comments received helped to inform new or updated Voluntary Exclusion Zones and codes of conduct that will ensure people and wildlife can continue to share and enjoy this special area for years to come.

With the wide variety of activities that take place on the Exe, the EEMP endeavoured to work with as many local users and communities as possible to strike a balance between the interests of different user groups and our important wildlife. Table 1 shows the main recreational activities which take place on the water, on the intertidal and shore areas.
Table 1: The main recreational activities taking place on the water, intertidal and shore of the Exe, taken from the Exe Estuary Recreational Framework (2014).

<table>
<thead>
<tr>
<th>Activities taking place on:</th>
<th>Water</th>
<th>Intertidal</th>
<th>Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angling</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Bait Digging</td>
<td></td>
<td>x</td>
<td></td>
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<tr>
<td>Beach recreation</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>Birdwatching</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>Canoeing</td>
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<td>x</td>
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<td>Cycling</td>
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<td>x</td>
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<tr>
<td>Dog walking</td>
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<td>x</td>
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<tr>
<td>Fishing</td>
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<td>x</td>
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<tr>
<td>Horse Riding</td>
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<tr>
<td>Kitesurfing</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Metal Detecting</td>
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<td>x</td>
<td>x</td>
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<tr>
<td>Motor Boating</td>
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<td>x</td>
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<tr>
<td>Personal Water Craft (jet ski)</td>
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<td></td>
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<tr>
<td>Rowing</td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>Sailing</td>
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<td></td>
<td>x</td>
</tr>
<tr>
<td>Paddle boarding</td>
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<td>x</td>
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<tr>
<td>Swimming</td>
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<td></td>
<td>x</td>
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<tr>
<td>Walking / rambling</td>
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</tr>
<tr>
<td>Water skiing</td>
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<td></td>
<td>x</td>
</tr>
<tr>
<td>Wildfowling</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Windsurfing</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

4.2. Consultation Methodology

The public consultation began at the beginning of December 2016. The review of zonation was promoted in the lead up to the consultation, via emails through the EEMP and articles in the Exe Press newsletter. The consultation was formally launched at the ‘Management & Zonation of the Exe Estuary’ event on 8 December 2016 at County Hall. Local residents, business and recreational users were invited to meet the people who take care of the Exe Estuary, to better understand the different roles of organisations and comment on the proposed zones. The public consultation ended on 28 April 2017.
A number of meetings were organised to encourage input into the consultation, with the Exe Estuary Officer meeting with a high number and variety of users during consultation meetings. The process included 18 meetings with different user groups, two general meetings and a formal online questionnaire which closed on 28 April 2017. The intention of the questionnaire was to gather in people’s text comments in a more structured way, rather than to find out percentages of people that would be affected by the proposals. Additionally, a number of conversations and informal meetings took place to allow detailed discussion of proposals. Feedback was also received via post and through the EEMP email address. The consultation was promoted via a number of press releases, through social media, the Exe Press newsletter, the EEMP and Devon County Council websites, by email and through the Habitat Mitigation Officers whilst on-site. Posters were put up around the Estuary, including at the following places:

- Exmouth: Along shore at LNR; Exmouth Imperial Recreation Ground; Exmouth Town Council Offices; Pets at Home; East Devon Pet Supplies; Corner House Vets; Raddenstile Vets; White Lodge Vets.
- Dawlish Warren: three notice boards.
- Cockwood: Cockwood Steps; The Anchor Inn notice board; Cockwood Parish notice board.
- Starcross: notice board by the bus stop; under the thatch arch; Spar; Starcross Fishing & Cruising Club.

The final recommendations were discussed by the EEMP Officer Working Group and SEDHRP officers on 6 June, before being presented to the EEMP Management Group on 21 June for their decision on whether to endorse the amended proposals. Once endorsed by the EEMP Management Group, the final recommendations will be made available on the South East Devon Habitat Regulations Executive Committees’ (SEDHREC) website.

4.3. Next Steps

The EEMP zonation consultation will end with a post-consultation drop-in event on 29 June from 2pm to 8pm at County Hall. At this event the final recommendations of the Exe Estuary Management Partnership will be displayed and staff will be in attendance to answer questions on the report. This will formally mark the date that the EEMP recommendations are handed over to the SEDHRP. The SEDHRP will then carry out an additional stage of consultation, with a six week period between 29 June until 10 August during which people and organisations can look at and help refine the final recommendations online. This is particularly to allow for seasonal Estuary users to comment, and to allow for any comments on any amendments made to the proposals following the previous consultation. Details of this will be available on the SEDHREC website at: http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/south-east-devon-habitat-regulations-executive-committee/

Following the close of the survey, all comments will be reviewed for the final report. The report will be published by SEDHRP prior to the October SEDHREC meeting which will decide whether to approve the proposals.
Details of the next steps are outlined below (these may be subject to revision):

- 29 June, 2pm-8pm: Drop-in event at County Hall for display of final recommendations – no booking required.
- 29 June – 10 Aug: 6-week online survey for comment on recommendations, carried out by SEDHRP.
- Aug-Sept: Analysis of results and accompanying report produced by SEDHRP.
- October: Final report of EEMP and SEDHRP presented to SEDHREC for consideration.

4.4. Codes of Conduct

In addition, codes of conduct for users of the Exe Estuary are being reviewed by talking to local user groups. The codes will be updated to ensure safety, consideration of other users and nature conservation. Each user group, as well as national recreational bodies, are being asked to share with us their experience and expertise, so we can understand different perspectives and take on board their views.

Codes of conduct are important for the Exe Estuary because there are a wide range of users who may not be linked to a particular club. They may have different interests, where activities overlap.

The next steps for review of codes of conduct are as follows:

- May-Aug: Drafting of updated codes of conduct, based on existing codes and national guidance (working with user groups and national recreational bodies).
- Sept: Draft codes publicly available for feedback.

Further detail of the review of codes of conduct will be added to the EEMP website as it becomes available.

4.5. Summaries of Consultation Responses

The EEMP has taken all responses and comments into consideration, including meetings, informal talks, emails and the online questionnaire, to help inform these final recommendations.

Further information about the review of zonation, including minutes and detail about the various groups involved, is available on the EEMP website at [https://www.exe-estuary.org/national-and-local-consultations](https://www.exe-estuary.org/national-and-local-consultations). Minutes of user group meetings are also included in the Annex.

The results of the online questionnaire and comments which were received by letter and email are included in Annex 23, 24 and 25, and are also available on the EEMP website.
5. CONSULTATION FEEDBACK

5.1. Consultation Responses

All comments and feedback received through the variety of means available during the consultation process were taken into account to form new recommendations. The amended proposals needed to balance the legal requirements of the protected areas against the legitimate interests of users. All comments that were received that were given permission to be published are included in Annex 25. Any comments received that we didn’t receive permission to publish were still taken into consideration, but were not made publically available. All minutes from consultation meetings can be found in the Annex or on the EEMP website at https://www.exe-estuary.org/consultation-meetings. A summary of the feedback received is below.

Throughout the consultation period, a number of concerns were raised. Through the questionnaire, approximately 70% of respondents raised issues with the initial proposed VEZs. However, although concerns were also raised during consultation meetings, the EEMP was able to clarify any misunderstandings about the proposals and discuss with users what they would like to see amended. The meetings generally resulted in users largely accepting the approach, as long as their concerns and suggestions were taken on board. The amended proposals aim to address the majority of issues highlighted, for example, safety concerns by allowing small vessels to come out of the navigation channel. The amendments offer substantial compromise; reducing the area of the VEZs to allow continued use of the Estuary for recreation, leaves some high-tide roosts and areas of eelgrass unprotected and allows no buffer for wildlife.

A number of responses were also received which supported the introduction of these zones. Many local users communicated their respect for the environment and supported protection of wildlife and habitats. Responses indicated that users are mindful of wildlife and appreciate and enjoy the natural environment of the Exe. Some respondents indicated that these proposals are important for the conservation of the beauty and biodiversity of this special place, which could in turn enhance opportunities for those that enjoy the varied wildlife. Protection provided through these proposals could therefore benefit local businesses that benefit from the local environs. Some of those who responded through the consultation process even suggested that the proposals do not go far enough to protect such an ecologically important site.

Below are the most common comments received and the responses offered:

**C:** Why are the VEZs needed?

**R:** Detail of why these zones are needed is given in the background of this report. To summarise, the Exe Estuary is one of the most highly designated estuary in South West England, and is internationally important for birds. The Exe Estuary is also a very popular site for a variety of human activities. 69% of local people living within 1 km, visit roughly every other day. Evidence shows that disturbance from recreational activity is currently influencing the distribution and behaviour of birds on the Exe. Bird watches at Dawlish Warren roost found that the roost was flushed around five times per hour. When more people were present, fewer birds were recorded. Currently there are 8.8 million visits per year to the Exe Estuary from people living within 10km. This is predicted to increase by 2.4 million by 2030 as a result of providing much-needed homes for local people. The protection of internationally important wildlife is a legal obligation. Relevant authorities cannot wait until disturbance reaches a critical point before taking action, a precautionary approach is taken to make sure these
species are protected by providing them with space in the most important roosting and feeding areas.

C: There will be less space and freedom to do my water-based activity.
R: The initial proposed zones account for only (approximately) 9% of the Estuary, with the remaining 91% available for human activity (VEZs account for approximately 213ha, whilst the SPA designation has an area of 2366.83ha). Amended proposals are likely to be reduced in size, so will cover even less area of the Estuary. Additionally, the Exmouth VEZ will only be in place for 14 weeks of the year. Surveys and discussions about various activities show that not many activities take place within these two areas. Additionally, approximately 60% of respondents to the consultation questionnaire used both proposed VEZs less than six times in the last 12 months, therefore the new zones would have very low impact.

C: We don't really disturb birds and wildlife with our non-engine powered activity based on the water.
R: There is evidence that shows that non-engine powered activity does cause disturbance, with significantly higher incidences of disturbance from non-engine powered activity. This could be for a variety of reasons, including a greater number of people taking part in non-engine powered activities than engine powered activities; less requirement for the activity to be carried out through a club and adhere to more stringent rules and best practice; greater likelihood of visiting users not checking local best practice / codes of conduct; and the ability for non-engine powered vessels with shallow draught to enter shallow water and disturb feeding or roosting birds in these areas.

C: There'll be nowhere for novices and beginners to train and practice their chosen activity on the water.
R: This concern was taken into account when amending proposals. Additionally, the Exmouth VEZ is only in place during the winter months, when fewer beginners tend to be in the water.

C: There is no / very little credible evidence for the reasons behind the proposals.
R: These are voluntary measures and therefore do not require the evidence base that statutory measures need. However, there are a number of studies (such as the Exe Disturbance Study) that indicate that birds are displaced from important feeding and roosting areas due to human activity. The designations that are in place on the Exe mean that all ‘competent authorities’ have a duty to ensure that habitats, along with qualification features of designated sites, are maintained in favourable condition and, where possible, enhanced. ‘Competent authorities’ need to take into consideration the planned growth and development of areas that surround protected sites, and provide mitigation against the effects of increased use of the Estuary. The Habitat Regulations requirements of Local Plans mean that housing development cannot proceed without appropriate mitigation.

C: I have concerns about being able to safely carry out my activity if these VEZs are in place.
R: Proposals have been amended to take into account the safety concerns that users raised during the consultation. National bodies have been consulted to highlight and address safety issues. Safety of users on the Estuary is paramount.

The RYA helped to inform amendments to the proposals, and supplied the following information which outlines the rules that all must comply with when in narrow channels (note no set distance):
Rule 9 (Narrow channels)

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit or the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 m in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel of fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34 (d) if in doubt as to the intention of the crossing vessel.

(e)

(i) In a narrow channel or fairway when overtaking can only take place if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34 (c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34 (c)(ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34 (d).

(ii) This rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f) A vessel nearing a bend or an area of narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34 (e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

C: What happens if the weather changes and my water craft ends up in the Wildlife Refuge?
R: If anyone’s safety is at risk, all precautions should be taken to stay safe. This could mean that you have to enter the VEZ. As soon as possible and when it’s safe, please recover your craft at the shore or make your way out of the VEZ.

C: Will I receive a fine if I accidentally cross into the VEZ?
R: No. These are voluntary areas and are not subject to enforcement. Habitat Mitigation Officers are in place to help people understand why the areas are important for wildlife and where the VEZs are located.

C: 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”? 
R: There are no plans for other VEZs on the Estuary. Any plans that you may have come across in the past are old proposals that have since been amended by the EEMP and SEDHRP to the proposals that you see today. There are no plans to make these voluntary zones statutory, the EEMP and SEDHRP want to work with users to ensure that these zones are given the best chance of success. The effectiveness of these zones will be monitored over the next few years and reviewed. Statutory approaches would only be explored if these voluntary measures have failed.
C: Can a tidal exclusion be considered?
R: No. Roosts are important at high tide to allow birds to rest when the rest of the Estuary is under water. Additionally, the feeding patterns of wildfowl and waders are not simply restricted to low tide. Different birds will feed on a falling tide, will continue to feed until the tide recedes, will feed on a rising tide, and some even prefer to feed at high tide (by up ending in shallow water).

C: Why is Dawlish Warren VEZ all year round?
R: The most important high tide roost is at Dawlish Warren, and is used by birds for feeding and roosting all year round.

C: I am concerned that I will not be able to carry out my activity.
R: Concerns about certain activities ceasing on the Estuary have been taken into consideration during the consultation process. Proposals have been amended to allow activities to continue, whilst still providing protection for the most important roosting and feeding areas. We have worked closely with users to discuss modification of certain activities to allow space for wildlife at particularly sensitive sites, whilst still allowing activities to continue in the remainder of the Estuary. This discussion will continue following the publication of these amended proposals. We are not looking to stop human activities on the Exe, but would like to encourage them in areas which aren’t as vital to the health of the important wildlife.

C: I understand the needs to protect the wildlife and habitats and am respectful of this in my activity, so why do we need VEZs?
R: Through the consultation, it was apparent that a lot of local users act responsibly towards wildlife when carrying out their activities. However, visitors to the area may not realise what an important site this is for wildlife and habitats and may not know which sensitive areas to avoid. These proposals aim to agree boundaries for the most sensitive areas, which can be marked by buoys and promoted clearly through signage and codes of conduct to raise awareness with those that might not know better.
5.2. Summary of Feedback from User Groups

Eales Dock
- Need continued access through the Dawlish Warren VEZ for business use, via Shutterton Creek. Is happy to work with EEMP & SAEDHRP to mark Shutterton Creek for those accessing the dock.
- Launch / recovery approximately 3hrs either side of high tide.
- Will promote correct use of VEZ to users of the dock, via signage at their exit point and distributing codes of conduct. EEMP & SEDHRP to provide content for sign and Eales Dock will produce. Detail to include: why area is important; map of VEZ; explanation of designations; importance of high tide roost and feeding ground; boats to avoid prolonged use of VEZ (enter/depart VEZ as quickly as possible); adhere to speed limit; no diverting from the creek; launching/recovery 3hrs either side of high tide.
- Will sign a site-specific voluntary agreement to outline responsible use within the VEZ.

Crab Tilers
- No crab tilers identified through consultation in proposed Exmouth VEZ.
- There are nine crab tilers that use the Dawlish Warren area, with two that rely on crab tiling for a living.
- Complete reestablishment of crab tiles in a new area could take several years.
- Displacement of activity to another area is likely to create additional pressure in the other area.
- Crab tilers use the area responsibly and adhere to a code of conduct which they helped to create several years ago.
- Supported by the response from D&SIFCA, the amended proposal recommends that crab tilers aren’t moved out of the proposed Dawlish Warren area.
- The Exe Estuary Bait Collection Literature Review (2017) states that various evidence sources suggest that crab tiling and bait digging have the potential to effect estuaries and overwintering species they support through a variety of direct and indirect mechanisms. The report isn’t able to suggest site specific management measures, but recommends continued dialogue between local anglers, bait collectors and management authorities in future management of activities.
- Current crab tilers would like to see regulation of number of tilers, happy to have introduction of a permit system.
- Offered to act as voluntary wardens.
- Happy to remove unused tiles from below the IFCA byelaw line, working with D&SIFCA.
- Information needed on signage at access point to explain why crab tiling is permitted in area (and history).
- Marker sticks could be put in place for people to follow straight out to the wreck.

Power Boaters
- 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, and during times as set out in byelaw 4a (in operation since 1977).
- Exe Power Boat and Ski Club are an RYA affiliated club. Rules are in place for events, to minimise the effects on any other water users.
The powerboat area is used almost all year, about 18-20 times per year, at two hours either side of high water. Organised events take place up to the end of November and restart late February.

Usage does not normally extend right over to the areas of eelgrass. Power boaters should be encouraged to voluntarily stay away from eelgrass beds during the important feeding periods for birds.

The club (Exe Power Boat and Ski Club) has one of the biggest fleets of powerboats of this kind in the country with people coming from as far as Barnstaple to take part. No suitable site for an alternative power boat area could be identified within the estuary. The power boat area could not be moved outside the mouth of the estuary, due to safety concerns of such high-speed craft in unsheltered, open water.

Power boaters are opposed to Exmouth proposal, due to concerns about displacement of water users into power boat area. However, there is no tidal restriction within the VEZ, so there should be no displacement into their area, and should result in a decrease in users within the VEZ.

Water Skiers
- Water skis have continued use within their designated area, where the 10 knot speed limit can be exceeded, as set out in byelaw 5a (in operation since 1977).
- Request to amend water ski area (1097m by 622m) to be extended north some 700m by 700m, stretching from around 21 buoy up the Estuary towards Starcross (ending before any moorings and to the east of the channel), allowing more usable area for water skis out of the navigation channel and avoiding an overlap with the VEZ. This suggestion has been passed to the Harbour Authority for their consideration.

Wildfowlers
- Activity is tightly controlled through regulations, general agreement, formalised lease agreements (club rules, etc.), club tests, management plan, codes of practice and have permit areas.
- Group carries out conservation work and surveys on-site.
- Poole Harbour disturbance study showed that wildfowling accounted for just 0.04% of the disturbance activities on Poole Harbour.
- Rules state that they are not to take watercraft into the LNR.
- This report recommends that wildfowlers have continued use of areas on the Exe, including within the Exmouth VEZ, as agreed through consent with relevant authorities who grant lease agreements and review this activity every five years.
- Offer from Devon Wildfowl and Conservation Association (DWCA) to act as voluntary wardens, helping to hand out codes of conduct, raising awareness about sensitivities of area, completing surveys, etc.
- Need to raise awareness about why certain activities such as these have consent to continue. DWCA may have scope for a small donation towards a sign (of approximately £10-20).

Kitesurfers / Windsurfers
- A dedicated area for kitesurfers would not work, as kitesurfers use a variety of areas due to the influence of wind direction and tide which constantly change.
- Don't really use Dawlish Warren VEZ, but suggested boundary brought in approx. 100m for canoe / SUP for safety reasons.
- Want Exmouth VEZ to be Oct to end-Dec. Confusion about date of current Kitesurfing Exclusion Zone, but stated in tide tables as Sept to Dec. Propose
mid-Sept to end-Dec (as high volume of wintering birds mid-Sept), have compromised from original dates of beginning Sept to end-March

- Exmouth VEZ: If a tidal exclusion is not an option, three alternative options were suggested by kitesurfers at different stages in the consultation process.
  1. Keep the current Kitesurfing VEZ boundary.
  2. Remove the power boat area from the proposed VEZ.
  3. Move the western boundary of the proposed VEZ east.
- Concerns over user safety with power boats having use of bottom of Duck Pond.
- Edge Watersports and Exe Kiteboarders can help to advertise VEZs via websites and Facebook pages.
- Signage needed at seafront, launch points and near parking machines. Exe Kiteboarders can help with content and location of signage. Avoid putting signs at hazardous sites for kites.
- Dawlish Warren landing zone: promote landing to east if zone is full (less sensitive than west).
- Contact Chamber of Commerce to include information for visitors in guide.

### Sailing
- Suggested Dawlish Warren VEZ to follow IFCA bylaw line. However, this would allow use on an area which is important for feeding and roosting birds.
- Suggested Exmouth VEZ to follow existing kitesurfing VEZ.
- Suggested Exmouth VEZ to have a tidal time restriction, either HW +/- 3 or a tidal gauge/post. However, feeding pattern of birds is not as simple as low tide feeding (e.g. Brent geese feed on a retreating tide; some birds feed through water column), so tidal restriction would not work.
- Disturbance Study and last year’s surveys do not reveal small sailing boats to cause a high incidence of disturbance. However, Rangers at Dawlish Warren note a high number of incidences of disturbance from small sailing boats, so suggest that they should stay out of the zones along with other users.

### Anglers
- Request to move northern boundary of Dawlish Warren VEZ to run from Cockwood Steps to wreck, to allow angling at wreck. Agreement from group to go left as you exit the steps, but not right. Both the steps and the wreck are easily identifiable landmarks for boundary.
- Continued angling from area on shore adjacent to Exmouth VEZ, ‘The Gate/Field’ where fishing competitions held frequently (sheltered in bad weather and used by younger anglers).
- Avoid entering Exmouth VEZ by boat. Extent of VEZ to be marked with buoys to indicate where they should stay out.
- All in attendance satisfied with proposals above and in support.

### Bait Diggers
- As well as disturbance, bait diggers have the potential to damage eelgrass beds through their activity, as evidenced in 2015. Promotion of areas of eelgrass to avoid could help address this.
- Move northern boundary of Dawlish Warren VEZ to run from Cockwood Steps to wreck.
- Happy to stay to the left of initial Exmouth VEZ. Would therefore propose that they turn left after accessing foreshore from Imperial Recreation Ground slipway, to avoid digging on eelgrass.
- The Exe Estuary Bait Collection Literature Review (2017) states that various evidence sources suggest that crab tiling and bait digging have the potential
to effect estuaries and overwintering species they support through a variety of direct and indirect mechanisms. The report isn’t able to suggest site specific management measures, but recommends continued dialogue between local anglers, bait collectors and management authorities in future management of activities.

- Happy with no bait digging within both VEZs. Promote within Code of Conduct: “Please don’t dig where the eelgrass is.”

**Sandeel Fishermen**

- No conflict between sandeel fishing and the proposed VEZs.

**Exmouth Mussel Company**

- Exmouth Mussels do not carry out any activity or moor any boats within the proposed VEZs, therefore there is no conflict.

**Personal Watercraft (PWC)**

- No conflict between PWC users and the proposed VEZs.
- Suggested a registration system and can act as wardens if costs are covered.
- The existing dedicated PWC zone is to remain in place at the current location all year round, with further promotion to encourage use.

**Canoe / Kayak / SUP**

- Main issue of safety
- Dawlish Warren VEZ: agree with boundary moved down to Cockwood Steps.
- Dawlish Warren VEZ: RCUG meeting on 16 March suggested that canoes and kayaks need to come out of main navigation channel for safety, suggested minimum 10m in from channel. Canoe meeting on 22 March suggested that code of conduct should state that users can enter 50m into VEZ to avoid fast flowing channel.
- Exmouth VEZ: Following suggestion of tidal restriction from RCUG meeting on 16 March and canoe meeting on 22 March, group informed that this will not work due to feeding activity of birds. The groups could not agree to the proposed VEZ for safety reasons. Want reduced area for safety well out of navigation channel, and to allow use of sheltered area at bottom of Duck Pond.
- Code of conduct needs to state that if necessary for safety, water users can enter the areas to escape channel.
- Make use of clubs (including those in RCUG) to disseminate information to members / users.
- Install sign (with board which can be changed) to show when Brent Geese are in the area.
- Promote positive message and have an educational approach, rather than having a negative message (saying no all of the time).
- Suggest a different area for shore based users (incl. dog walkers) to only go left when accessing the foreshore from the slipway.

**Gig Rowers**

- Some portions of the VEZs are used by Gig Rowing during certain conditions.
- A proposal to provide a junior rowing section this year may only be possible using part of the proposed VEZ.
- Biggest risk is collision with motor boat users in the main channel.
- Tides impact their activity, heavily limiting usable areas.
- Restriction of the area west of the landing area would prevent the activity of the Gig Club.
Dog Walkers

- Not much response received.
- Dawlish Warren VEZ: existing dog ban on NNR, behind the Warren.
- Exmouth VEZ: Recommendation to turn left from Imperial Recreation Ground slipway, for users who are accessing foreshore at low tide (e.g. dog walkers).

Moorings

- There would be no proposed change to existing moorings on the Exe and there are no moorings currently in the proposed VEZs.
- Exmouth Sailing Club have right to moorings within the lower section of the Exmouth VEZ. However, they don’t use this right at the moment and would not exercise it if the voluntary zone was agreed.

General Feedback

- The initial proposal from the Mitigation Strategy, to include a line off the Exmouth Seafront to indicate a western limit for all water sports to ensure the areas around Dawlish Warren / Warren Point and off-shore are undisturbed, was not deemed practical. Responses through the consultation process indicated that this suggestion was too excessive.
- Any existing restrictions or activities permitted through byelaws or formal agreements with authorities should remain in place. For example, all dog walking areas and restrictions at Dawlish Warren will remain in place.
- The exclusion at Exmouth was originally proposed to cover September to March when high numbers of birds are present. Feedback from the majority of users has suggested that they prefer the exclusion to end in December and some suggested a later start. Following the consultation, the recommended dates of the exclusion should be amended to mid-September to end-December.
- Install sign at Exmouth VEZ (with board which can be changed) to show when Brent Geese are in the area over winter.
- There is no national guidance on safety zones for small craft out of navigation channels. There have been a variety of suggestions from user groups from 10m to 100m. To ensure the safety of water users at Dawlish Warren VEZ, a 100m buffer zone out of the navigation channel is recommended.
- Voluntary Exclusion Zones to be instead named Wildlife Refuges, as suggested by a number of users, to clarify why the areas are protected and to foster a more friendly approach with users.
- Back up proposals with codes of conduct (to include the message to “Stay away from eelgrass and feeding birds”).
- Promote positive message.
- Make use of voluntary wardens and clubs to promote.
6. FINAL RECOMMENDATIONS ON ZONATION

The final recommendations are informed by feedback received through the public consultation. The recommendations aim to provide protection for protected wildlife through the consistent and coordinated promotion of two sensitive areas that are important feeding and roosting sites for birds. Amended zones aim to address a lot of the main issues highlighted through the consultation, with safety of users taken into consideration and more space available for human use of the Estuary. Whilst the recommendations won’t be the perfect outcome for either human or wildlife interests, they offer the best compromise under the circumstances.

It is recommended that these proposals are not withdrawn entirely. If voluntary measures are not trialled, ‘competent authorities’ would need to explore other options to provide protection for the designated areas. This may include the consideration of statutory measures, which users have strongly indicated that they do not want. Effective promotion of these sensitive areas to users, via signage, codes of conduct and other means, along with agreement to recognise these areas by users, should sufficiently provide protection for the wildlife that depend on these areas, and therefore avoid the need to introduce statutory areas. However, this is heavily reliant on user compliance. Monitoring will be required to measure the success of these voluntary areas over the next few years, with the opportunity to review if the areas aren’t achieving the intended benefits for wildlife or are proved not to be practical for users.

The consultation revealed that not many activities take place within the two proposed areas. Additionally, approximately 60% of questionnaire respondents used both proposed VEZs less than six times in the last 12 months, therefore the new zones would have very low impact.

Any existing restrictions or activities permitted through byelaws or formal agreements with authorities should remain in place. For example, all dog walking areas and restrictions at Dawlish Warren will remain in place.

The recommended name for these areas is Wildlife Refuge, rather than Voluntary Exclusion Zone, in response to suggestions by a number of users.

The introduction of Wildlife Refuges are not a new concept, with similar areas that allow space for important wildlife advertised at other sites, such as Poole Harbour and Pembrokeshire. Both of these sites promote maps of sensitive areas for birds and ask users to avoid these areas during important times of the year. This is the same approach that these proposals are taking.

The aim was to keep the Wildlife Refuge areas as simple as possible, to allow visiting users to easily understand which areas to avoid. It is for this reason that we are not including dog walking exclusion zones on maps, but will instead include text on signage and codes of conduct that states the dog-walking restrictions in simple terms. In the following sections, Wildlife Refuges are illustrated on the most up to date Ordnance Survey maps, aerial images and Admiralty charts, for ease of reference.

The amended Wildlife Refuge areas account for only 7.12% of the Estuary during 14 weeks, and a mere 3.58% year round, with the rest of the Estuary available for human activity (Wildlife Refuges account for 166.93ha, whilst the SPA designation has an area of 2345.71ha).
Please note that safety of users on the Estuary is of paramount importance. The EEMP are aware that users may need to enter the voluntary zones on occasion, to avoid hazardous situations.

6.1. Exmouth Wildlife Refuge: Final Recommendation

Recommended temporal restriction: mid-September to end-December.

Recommended tidal restriction: all tidal states.

Recommended spatial restriction: see maps below.
Datum given in brackets is from the Ordnance Survey National Grid reference system.
Start datum (NGR SX 99660 81171) at the Imperial Recreation Ground establishes the start of the boundary line, which runs northerly to the northern limit of the Local Nature Reserve (NGR SX 99084 83101), then easterly to the shoreline (NGR SX 99463 83101), then follows the shoreline (mean high water mark) back to the start datum (NGR SX 99660 81171).

Dog walkers are to turn left when accessing foreshore from the Imperial Recreation Ground slipway. This allows for a buffer zone for feeding and roosting birds, as dog walkers with their dogs off lead on the intertidal caused the highest percentage of major flights from all the observed potential disturbance events. The slipway is also an easy reference point to communicate to the high number of dog walkers that visit the area. This buffer zone also includes other low tide activities, such as walking and bait digging.
Figure 11: Amended proposal for Exmouth Wildlife Refuge (drafted June 2017) – background OS map.
Figure 12: Amended proposal for Exmouth Wildlife Refuge (drafted June 2017) – background aerial map.
Figure 13: Amended proposal for Exmouth Wildlife Refuge (drafted June 2017) – background Admiralty chart, courtesy of the RYA.

Justification of recommendations:

The western boundary of the Wildlife Refuge was moved east in response to suggestions received through the consultation, including one of the main recreational businesses at Exmouth. This was to allow for kitesurfing activities to take place at various wind conditions, with the anticipation that the resulting reduction from the existing Kitesurfing Exclusion Zone will encourage more kitesurfers to acknowledge the Refuge. The movement of this boundary also allows smaller vessels to come further away from the main navigation channel for safety reasons, allowing a minimum 750m buffer zone to the channel and closer access to shore in emergency situations. This amended boundary also makes more sheltered area available around the Imperial Recreation Ground for certain activities and in consideration of the needs and safety of learners and novices.

The temporal restriction at Exmouth, originally proposed as September to March when high numbers of birds are present, has been amended to mid-September to end-December. This amendment was in response to feedback from the majority of users that suggested that they prefer the exclusion to end in December. Kitesurfers indicated that September was still a busy period for them, due to the fair weather after summer holidays. However, September is important for wintering birds, with WeBS counts showing bird numbers increasing during this month, with high numbers arriving halfway through the month. A compromise is recommended to begin in mid-September. This is a substantial compromise from seven months to three and a half months. This takes into account the peak usage time for tourists and learners, with full access available to novices during summer and early September.
The Exmouth Wildlife Refuge is smaller than the original proposal, allowing users more sheltered space and more space away from the navigation channel. The new Wildlife Refuge protects key feeding areas for a short period of time (only 14 weeks) during low season when many users said they do not normally use the area. The Imperial Recreation Ground slipway is still available for users during these winter months and access to the foreshore via this slipway is encouraged.

Existing restrictions:

- Current Kitesurfing Exclusion Zone superseded by new Exmouth Wildlife Refuge.

Allowances within Exmouth Wildlife Refuge:

- 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. We would request that power boats stay away from the eelgrass beds when using the area during mid-September to end-December.
- Water skis have continued use within their designated area, where the 10 knot speed limit can be exceeded, as set out in byelaw 5a.
- Wildfowlers 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.
- 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.
- Official survey work.
6.2. Dawlish Warren Wildlife Refuge: Final Recommendation

Recommended temporal restriction: all year.

Recommended tidal restriction: all tidal states.

Recommended spatial restriction: see maps below.
Datum given in brackets is from the Ordnance Survey National Grid reference system.
Start datum (NGR SX 97802 80423) at Cockwood Steps / railway crossing which establishes the start of the boundary line, runs easterly to the south-eastern tip of the wreck (NGR SX 98048 80414), then south-easterly along the mean low water mark to the defined landing area (NGR SX 98989 80204), follows the defined landing area south to the mean high water mark (NGR SX 99026 80139) then follows the mean high water mark along the sand spit back to the shoreline (NGR SX 97924 78932), then follows the shoreline (mean high water mark) back to the start datum (NGR SX 97802 80423).

For dog walking: statutory exclusion already in place through byelaw.
For low tide activities (e.g. angling, bait digging, walking):
On the foreshore, stay left of line between Cockwood Steps and the southern tip of the wreck.
For high tide activities (e.g. canoeing, dinghy sailing, SUP):
Buffer zone for water-based activities, which comes in from the boundary outlined above (and therefore the navigation channel) by 100m, until the mouth of Shutterton Creek, where the boundary re-joins at the mean low water mark (NGR SX 98697 80008).
Figure 14: Amended proposal for Dawlish Warren Wildlife Refuge (drafted June 2017) – background OS map.
Proposed Dawlish Warren Wildlife Refuge (all year, all tidal states)

Figure 15: Amended proposal for Dawlish Warren Wildlife Refuge (drafted June 2017) – background aerial map.
Figure 16: Amended proposal for Dawlish Warren Wildlife Refuge (drafted June 2017) – background Admiralty chart, courtesy of the RYA.

Figure 17: OS map showing location of wreck (outlined in pink, as a ‘hulk’) at Dawlish Warren, alongside the proposed Wildlife Refuge, courtesy of Devon County Council.
Justification of recommendations:

The Dawlish Warren Wildlife Refuge is recommended at all tidal states, due to the complicated feeding patterns of birds and due to the importance of the high tide roost (detail of this can be found in section 3.1). The Refuge is in place all year round, due to the fact that this area is the most important high tide roost throughout the year.

The northern boundary of the Wildlife Refuge has been moved almost 0.5km south, making the refuge smaller than before. The northern boundary of the Refuge now runs from Cockwood Steps (at the railway crossing) to the southern tip of the wreck. This was in response to a number of different users, including anglers and sailors, who indicated that the top area of the National Nature Reserve was important for their activity and is a well-used area. Since the top part of the NNR isn’t deemed to be as important for wildlife as the lower part, this amendment is considered to be agreeable.

This amendment offers a considerable compromise with sailing clubs, who suggested a boundary that follows the IFCA byelaw line. This suggestion couldn’t be fully accommodated due to overlap with important feeding and roosting sites. A similar amendment to that shown on the map above was presented at the public consultation event on 20th April, and was much better received than the original proposal.

For water-based activities, such as canoeing and dinghy sailing, a buffer zone for watercraft has been recommended, to allow safe passage out of navigation channel and away from moorings. A variety of widths were suggested by users for this buffer zone, from 10m to 100m. There are no national guidelines for buffer zones such as this, but further research suggested that at least a 50m buffer might be advisable. For example, ‘Plymouth Waterways – A guide for small craft’ states that “recreational and other small craft users are advised to keep well clear of the main channel”. Rule 9 of the International Regulations for the Prevention of Collisions at Sea, although it refers to ships and vessels at sea, states that “all vessels under 20m in length and all sailing vessels must give way to vessels over 20m long”. It also states that “all vessels are to keep at least 50m clear of all military vessels (100m submarines) both alongside and at anchor”. The British Canoeing guide, ‘You, your canoe and the environment’, only states “In confined waters keep to the edge of the deep water navigation channel”.

Section 5.1 of this consultation report includes an extract from the International Regulations for Preventing Collisions at Sea (COLREGs), which outlines rules that all must comply with when in narrow channels, supplied by the RYA. Although no set distance is referred to, a few rules in particular helped to inform the amendments to proposals:
(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit or the channel or fairway which lies on her starboard side as is safe and practicable.
(b) A vessel of less than 20 m in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

To ensure the safety of water users in this area, based on broad guidance available and feedback through this consultation, a 100m buffer zone is recommended for these proposals. This offers a substantial safety zone for smaller vessels, outside of the navigation channel and away from moorings.
Some portions of the VEZs are used by Gig Rowing and there are concerns that restrictions to the west of the landing area would prevent the activity of the Gig Club. However, this area is the most important and sensitive high tide roost on the Exe Estuary and the small buffer is required to maintain the health of the wildlife. Discussions with the Dawlish Warren Rangers have indicated that gig rowing has caused disturbance events at this very sensitive area. Further discussions with the Gig Club are required to address this issue and to allow gig rowing activity to continue on the Estuary in a responsible way.

Existing restrictions:

- Dog walkers will continue to follow to existing dog walking areas and restrictions at Dawlish Warren, including the existing byelaw which bans dogs from the National Nature Reserve, behind the Warren. The map which shows existing dog zones can be found on page 29 (Figure 10).
- Current Angling Voluntary Exclusion Zone superseded by new Dawlish Warren Wildlife Refuge.

Allowances within Dawlish Warren Wildlife Refuge:

- Continued access for Eales Dock via Shutterton Creek, with a voluntary agreement to promote responsible use of the VEZ to users of the dock.
- 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.
- Official survey work.
7. RECOMMENDATIONS FOR ONGOING WORK

7.1. Review of Codes of Conduct (informed by the South-east Devon European Site Mitigation Strategy)

Codes of conduct are important to ensure the safety of the wide range of users of the Exe Estuary, whilst taking consideration to nature conservation. Codes set out clearly how users undertaking a particular activity should behave, and are most relevant to sporting activities, including watersports. Codes of conduct are particularly relevant where there are a wide range of users, potentially not linked to a particular club, and a range of complicated issues, or where multiple activities overlap. Casual visitors, who visit a location sporadically, are unlikely to be fully informed of all local issues and politics. A code of conduct serves to set out where there are particular issues and provides the user with all the information they need to undertake their chosen activity safely, within the law and without creating conflict with others.

There are existing codes of conduct for the Exe Estuary, for some of the activities that take place. The existing information for particular users is not easily accessible and there is relatively little guidance on how to reduce impact on nature.

Existing codes will be reviewed and updated by the EEMP (commissioned by the SEDHRP), with new codes created where necessary. New and updated codes will be drafted over the next few months, working directly with local users and national recreational bodies to ensure that national guidance is followed whilst capturing the local needs of users and nature. Existing codes form other areas will also be taken into consideration, to ensure that the Exe codes incorporate the best elements of existing examples. Developing good, clear codes with user groups ensures that safety issues, insurance, consideration of other users and nature conservation issues can be accommodated, ensuring users can enjoy their chosen activities whilst minimising any impacts.

Codes will be created / updated for kitesurfing/windsurfing, Personal Watercraft (PWC / Jet Skiing), sailing, power boating, water skiing, canoeing/kayaking/SUP (and other paddlesports), crab tiling, bait collection/shellfishing, and dog walking. Clear codes of conduct are required for the Exe Estuary and offshore area, so a general code of conduct for all users will also accompany the above, as well as a code of conduct for Dawlish Warren.

The codes will be consistent in how they look and in their content, and written in a friendly style. Codes of conduct will be promoted on interpretation panels, websites, newsletters, through local clubs and water taxis, and will need to be reviewed and promoted regularly.

Draft codes are expected to be publically available for feedback by September.

7.2. Promotion of Zonation and Codes of Conduct

Following the review of zonation and codes of conduct, a coordinated approach should be taken in the promotion of the outcomes.

Signage
To ensure that new information is consistent and complementary to existing information, an audit of signage around the Estuary should be carried out (to include
the Exe Estuary Trail signage). A draft inventory of interpretation and signage was carried out by the EEMP in 2012, this should be updated and a brief report should be produced to outline which existing signage needs to be updated and identify where additional interpretation needs to be sited, particularly at Estuary access points. A review of Dawlish Warren signage should be carried out simultaneously. Signage should clearly communicate which areas are important for nature and should be avoided by recreational users, with reasoning why. Signage should also give detail about certain activities that take place in or near sensitive areas, and the reasoning why. Codes of conduct should also be promoted on new and updated signage.

Via Wardens / Officers
All existing staff who help to manage and warden the Exe Estuary should communicate a consistent message in the promotion of zones and codes of conduct. Staff in particular who can promote these messages include the Habitat Mitigation Officers, Dawlish Warren Rangers, East Devon District Council Countryside Team Rangers and Exe Estuary Officer.

Via Volunteer Wardens
A number of local user groups have indicated, through the consultation process, that they would be keen to act as voluntary wardens to help monitor activities and raise awareness of best practice / codes of conduct. The groups include crab collectors, Wildfowlers and PWC users, to name a few. Groups would need to receive training from local authorities and would need to work closely with the Habitat Mitigation Officers.

Existing Routes of Communication
The SEDHRP should ensure that full use of existing routes of communication are made use of. This includes the existing EEMP website and Exe Press newsletters, through local recreational club websites, social media and email distribution lists, and through communication routes of national recreational bodies, such as the RYA and British Canoeing. Codes should also be promoted in the EEMP’s suite of leaflets, to include Exe Explorer, Exe Wildlife and Exe Activities. There will be costs associated with updating the designs.

Marking of Zones
To ensure that all zones are identifiable to users of the Estuary, they should be marked out with the appropriate marker system, be that buoyage, withy markers or any other marker system. In particular, any new Wildlife Refuges which are put in place need to be clearly marked out. There should be no implications for safe navigation. Correct permissions need to be sought, with land owners and managers, such as the MMO. Buoys and markers should be marked with an identifiable design to deter theft, and should clearly convey the function of marked zones, where possible.

At Exmouth Wildlife Refuge, buoys would be recommended to mark out the proposed area. A minimum of three buoys should mark the area at the southern end of the Duck Pond, with the third buoy in the small creek which runs into Kings Lake, with a fourth buoy or post with signage marking the zone at the larger creek which also runs into Kings Lake. A fifth buoy should mark the northern boundary of the area, potentially with signage.

For the steep sided narrower mud channels, it is a common practice to use sticks or perches to mark areas. A mooring buoy on an anchor only marks the channel at high water, when the riser is straight up and down. Below that point the buoy is subject to the tide and weather conditions, so being washed / blown off in the direction of the
water / wind. Therefore, the buoy could be marking an incorrect area depending upon the necessary length of riser.

Bearing this in mind for Dawlish Warren Wildlife Refuge, withy markers may be preferable to buoys, due to the site being exposed at low tide, which will bring difficulties in marking a fixed area on changing tidal states. Buoys could be used to separate the Refuge from the deeper navigation channel, with withies indicating the 100m buffer zone for smaller vessels which need to come out of the channel. A marker system is also needed for Shutterton Creek, for access to Eales Dock, with marker posts likely to be the preferred option. Advice on the best option should be taken from local council departments that have been involved with installation of existing buoys / markers. Withy markers are also suggested to mark the northern boundary of the Wildlife Refuge, from Cockwood Steps to the wreck, for users accessing the foreshore from land.

Buoys are to delimitate the defined craft landing area at Soft Sand Bay, to encourage users to avoid the very sensitive bird roosting and feeding areas around Warren Point and the Bight.

Costs of markers are to be taken into consideration by the SEDHRP, and need to include purchase, placement, cleaning, replacement, etc. Local authorities may also have existing budgets to cover costs of markers within their areas.

Note regarding withy pole navigational marks:
A withy or withe is a strong flexible willow stem - typically used in thatching and for gardening it is also used to describe any type of flexible rod used in rural crafts such as hazel or ash. Withies traditionally serve to mark minor tidal channels in UK harbours and estuaries. In many places they remain in use and are often marked on navigation charts. At high tide the tops of a line of withies stuck in the mud on one or both sides of a channel will show above water to indicate where the deeper water lies. There are international navigation-chart symbols for withies (port and starboard). As a navigation mark, usually found on estuaries and on mud flats, no planning permission should be required, as confirmed by Exeter City Council Harbour Authority. The United Kingdom Hydrographic Office need to be informed to ensure the marks are included on charts, and Trinity House should be made aware of new marks.

7.3. Identification of Additional Management Needs through IFCA

Through Devon & Severn IFCA’s consultation response, they have outlined the following planned next steps, which relate to this proposal and recommendation 7.4:

Following Defra’s “Revised Approach” to European Marine Site (EMS) management, IFCA’s are required to complete Habitat Regulations Assessments (HRAs) on all fishing activities against all features of EMSs, and implement any management needs identified by the HRA by the end of 2016 – with the exception of crab tiling and bait digging which have a deadline of the end of 2018. Therefore, these activities will be undergoing a full assessment throughout 2017, looking at all available evidence, data and literature. If they are identified as being potentially damaging to the SPA then appropriate management will be brought in. This also ties in with IFCA’s review of current byelaws. Over the next year, D&SIFCA are likely to start looking at the possibility of introducing a “Hand-gathering” or “Estuaries” byelaw, which will cover activities such as crab tiling, bait digging and shellfish collection, and may include
measures such as bag limits and restricted areas. This byelaw will be a permitting byelaw which means that every person wishing to collect bait or crab tile will need a permit from IFCA. In this way the IFCA will gather more information on the level of effort and whose tiles are located within the zones discussed. Potentially this could be a good mechanism to allow for dialogue with the bait collectors and promotion of any future changes in boundaries. Any changes to management will go through a process of formal consultation, giving stakeholders and the public the opportunity input their views.

7.4. Permitting Systems

Permitting systems should be established for particular activities.

Crab collectors in the Dawlish Warren area (known as the Lower Exe Crab Tilers Association) have indicated that they would be happy to have a permitting system in place. A voluntary option was suggested, where crab collectors could help to distribute and manage. It was suggested that a voluntary permit should be free, but if there was a cost, the crab collectors would expect policing of this activity to be put in place to manage the number of tilers (nine at Dawlish Warren) and number of tiles in the area. It was suggested that the word ‘license’ shouldn’t be used. A code of conduct should be given alongside the permit, with a condition that if a collector doesn’t adhere to the code of conduct, they don’t get a permit the following year. Names of people should be included on permits (to allow family members to collect on behalf of permitted crab collector), with the ability for existing permits to be transferred on agreement of the owner and ‘authorities’ (likely to be D&SIFCA or whoever distributes permits).

Crab tilers across the Estuary have indicated that they might also be interested in seeing permits introduced across the whole Estuary. Fundus owners would need to be involved with this, as well as local authorities and D&SIFCA. D&SIFCA will likely be reviewing hand gathering byelaws in 2017, as outlined in section 7.3. They will look at whether a permitting byelaw could be introduced, which could potentially restrict the number of tiles, but may not be able to restrict the number of crab tilers. To give an indication of costs, an IFCA permit for netting, potting, etc. costs £20 for two years. However, permits would likely only work if they restrict the number of people allowed to collect crabs.

Permits for other users, such as kitesurfers, PWC users and shellfish collectors, have also been suggested. The EEMP should be involved with setting up permitting systems, to ensure consistency and to make use of existing communication routes with user groups.

7.5. Voluntary Agreements

The owner of Eales Dock has agreed to sign a site-specific agreement, to show willing to help with promotion of the Wildlife Refuge to users of the dock. The EEMP will work with Eales Dock and the SEDHRP in producing this agreement.

It is recommended that similar agreements with other users groups should be explored.
7.6. Practical Steps to Mitigating Impacts

The local watersports business, Red Rock Leisure, make use of a storage unit at Exmouth Imperial Recreation Ground, by the Rugby Club. To address conflict with the proposed Exmouth Wildlife Refuge and the access point currently used by the business, Red Rock Leisure has indicated that they would be happy to move their equipment to a new storage container at Camperdown Creek. This would allow easier launching from the Imperial Recreation Ground slipway area, away from the Wildlife Refuge. As manager of this area, East Devon District Council’s Countryside Team has responded positively to this suggestion. It is recommended that EDDC and Red Rock Leisure work together to further explore this option.

There are concerns expressed by Exmouth Gig Club that restrictions to the west of the Dawlish Warren landing area would put a stop to their activity. However, this area is the most important and sensitive high tide roost on the Exe Estuary and needs to be included in the Wildlife Refuge in order to achieve its function. Further discussions with the Gig Club are required to address this issue and an approach needs to be agreed to allow gig rowing activity to continue on the Estuary in a responsible way. This could possibly be addressed through a code of conduct, with annual monitoring in place to identify whether additional measures need to be explored in the future.

7.7. Monitoring

Following the introduction of the proposed Wildlife Refuges, the associated codes of conduct, and installation of relevant signage, a detailed monitoring programme will be required to assess their effectiveness. A commitment should be made to continue such monitoring over a number of years, in order to:

- identify trends in user activity;
- evidence any issues relating to the safety and practicality of the measures;
- and establish whether the intended conservation benefits are being achieved.

However, to avoid any unnecessary delay, in the event of changes being required, the EEMP recommends a review of the Wildlife Refuges and the available monitoring data after the first full year that they are in place, with subsequent reviews on an annual basis during the monitoring period.

In this way, the programme of monitoring will inform an ongoing process of review and refinement of the voluntary zonation measures from either an ecological or a user perspective.

In the event of there being evidence of significant practical difficulties or issues for users, consideration should be given to any scope for potential amendment to the detailed arrangements.

Conversely, if monitoring data reveal that existing zonation and codes of conduct are not achieving the hoped-for changes in user activity and reduction in disturbance to key wildlife and habitats, consideration will be need to be given to further refinement or adaptation to achieve these objectives.

The EEMP role will be to work alongside others to promote understanding and successfully implement zonation measures which are agreed on by the SEDHREC.
Based on the monitoring programme, the ultimate decision on the retention of this voluntary approach, or any necessary alternative to this, will rest with the SEDHREC.

A monitoring and review programme for these voluntary measures would allow the flexibility to respond to any change in circumstances.

7.8. Byelaw Review

Following monitoring of the effectiveness of zonation and codes of conduct, a review and revision of byelaws on the Estuary should be undertaken. This review is to explore whether existing byelaws are effective or need amending, and whether additional byelaws are required for the safety of users or the protection of nature. The EEMP would be well placed to carry out this work, which follows on from previous work completed by the Partnership, such as the Exe Estuary Recreational Framework (2014).

Any new or amended byelaws would need to be updated and promoted through codes of conduct, signage and websites.

A review of byelaws should include a revision of dog byelaws, which should reflect any issues that are highlighted through monitoring. A number of revisions of byelaws are included in the Mitigation Strategy, which should be taken into consideration.

It is worth noting that many Harbours and Estuaries have a lower speed limit of 6 knots, compared with the 10 knot speed limit on the Exe. The Exe Estuary Recreational Framework, and feedback through the consultation, suggests that a two tier speed limit with a lower 6 knots limit for sensitive areas, beaches and around moorings is likely to be supported by many managers and users.

A number of concerns were raised through the consultation with regards to power boats continuing to use their designated area, which overlaps with the proposed Wildlife Refuge. Monitoring is recommended to explore whether this activity has any detrimental effect on the protected features of the Estuary, to inform whether any additional management measures should considered. Safety concerns of other users have also been raised, which should be monitored by the Harbour Authority.

It is recommended that the Harbour Authority look into the amendment of the water ski area (1097m by 622m) to be extended north some 700m by 700m, stretching from around 21 buoy up the Estuary towards Starcross (ending before any moorings and to the east of the channel). This would allow water skis to come out of part of the existing designated area, which presents safety issues where it overlaps with the navigation channel, and avoids an overlap with the Exmouth Wildlife Reserve. This would result in a more usable and safer area for water skis within the Estuary.

Consultation with Starcross Yacht Club would be required, to ensure that there is no conflict in activity. The area of the northern extension is sometimes used for sailing events, although water skiers have agreed that power would give way to sail. The water ski club (Exe Power Boat and Ski Club) fully support this proposal and the RYA have suggested that they could assist with this consultation.
The Exe Estuary Management Partnership (EEMP) would like to thank those who participated in the public consultation on the ‘Review of Zonation of the Exe Estuary’. The EEMP has taken all responses and comments into consideration, including meetings, informal talks, emails, letters and the online questionnaire, to help inform these final recommendations. We have listened to all of your concerns and balanced these with the conservation needs and ecological requirements of this special place for nature.

The Exe Estuary is recognised internationally as one of the most important estuaries in Europe for wildlife and it is hoped that we can work together with local users to ensure the success of these voluntary measures and help wildlife to thrive into the future.

Your involvement is crucial. Your actions and those of thousands of people who use the Estuary can make a positive difference to this beautiful place. We need your valuable experience and help to share information about the new Wildlife Refuges, especially with people who are new to the Estuary.

Although we are asking users to avoid the new Wildlife Refuges, they are not being enforced in any way and there are no plans to do so. We will talk to and help to educate people about why these areas are so important.
9. REFERENCES


