

REPORT TO EXECUTIVE

Date of Meeting: 8 July 2025

Report of: Strategic Director for Place of City Development

Title: South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 Three sites in south east Devon, the Exe Estuary, the East Devon Pebblebed Heaths and Dawlish Warren fall into the highest tier of protected wildlife sites in the UK. In the absence of mitigation from development impact, Habitats Regulations Assessment work has shown that unacceptable adverse impacts would arise at these sites on account of recreational pressure and this would be reason to not allow development to go ahead. East Devon District Council, Teignbridge District Council and Exeter City Council have been working successfully in partnership since the early 2010s to define and deliver mitigation measures. This approach has enabled development to progress effectively across the area alongside key green infrastructure improvements. The mitigation is funded from the Community Infrastructure Levy and developer contributions.
- 1.2 In 2014 a mitigation strategy was approved by the three local authority partners and this has led to an extensive range of measures being implemented that have successfully ensured new development can go ahead across Exeter and the wider area. We have now reached a point where we need a new mitigation strategy, which is appended to this report. Endorsement is being sought from the three constituent local authorities (East Devon, Exeter and Teignbridge) for the new strategy to ensure that effective and coordinated mitigation can be implemented in the period from 2025 to 2030. Endorsement is vital to enable continued development to meet the needs of the community and to support the smooth progress of local plans, including the Exeter Plan.
- 1.3 This report has been produced jointly by officers of the three authorities and is being replicated for each council, with edits to accord with differing report templates used by the separate councils and local circumstances. Initial agreement has already been secured from East Devon and Teignbridge Councils through their Committee processes.

2. Recommendations:

- 2.1 That the Executive recommends that Council approves the adoption of the South East Devon Wildlife Joint Habitats Sites Mitigation Strategy 2025 – 2030 attached at Appendix A.

3. Reasons for the recommendation:

- 3.1 To ensure that we have a robust joint mitigation strategy in place so that the collective and cumulative impacts from new development can be mitigated in the most effective and efficient manner. Without the strategy, housing development in large parts of the city would not be able to go ahead and the progress of the Exeter Plan could be affected.

4. What are the resource implications including non financial resources

- 4.1 The work of preparing the Strategy has been funded jointly by the partner authorities from monies remaining from the former Greater Exeter Strategic Plan budget. Future work will be undertaken by officers. As a result, there are no budget implications. For clarity, the mitigation measures included in the current and new habitat mitigation strategy are funded by development through a combination of Community Infrastructure Levy and development contributions.

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications for Council to consider outside of the normal contributions from Development.

6. What are the legal aspects?

- 6.1 The designation, protection and restoration of habitats sites is set out in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. This strategy has been produced in order to meet the legislative requirements of the Habitats Regulations.

Failure to adopt the new strategy would leave the Council without the ability to mitigate the risk of harm from housing development on designated wildlife sites. It would also expose proposed housing developments to delays or legal challenges and undermine the forthcoming Exeter Plan.

7. Monitoring Officer's comments:

- 7.1 The Joint Habitats Sites Mitigation Strategy 2025-2030 establishes a framework for mitigating the cumulative impacts of development on local designated wildlife sites.

The strategy will continue to operate through the established joint Habitats Mitigation Executive Committee (HMEC) with neighbouring East Devon District Council and Teignbridge District Council. It is intended that this will provide effective and transparent oversight of the allocation of contributions, monitoring the implementation of mitigation measures and management of other resources.

The strategy will also form part of the necessary evidence base to be used for the examination of the Exeter Plan and that of neighbouring authorities.

8. Report details:

Need for a mitigation strategy

- 8.1 Plans and projects that may adversely impact on European sites, (the highest tier of wildlife sites in the UK and across member states of the European Union), need to be subject to assessment under the Habitat Regulations.
- 8.2 In south east Devon there are three specific designated sites where the impacts of new built development (particularly new housing development), as set out in local plans, has the potential to result in adverse impacts. The designated wildlife sites are:
- The Exe Estuary - Special Protection Area/Ramsar.
 - Dawlish Warren - Special Area of Conservation.
 - The East Devon Pebblebed Heaths - Special Area of Conservation and Special Protection Area.
- 8.3 Parts of the Exe Estuary fall within administrative areas of East Devon, Teignbridge and Exeter. Dawlish Warren, in Teignbridge, abuts the Estuary and the Pebblebed Heaths, in East Devon, lie close by and to the east of the Estuary.
- 8.4 Special Protection Areas (SPAs) are important for rare and vulnerable birds because they rely on them for breeding, feeding, wintering or on migration. Special Areas of Conservation (SACs) are designated to conserve natural habitats and species that are under serious threat. Rare and vulnerable animals, plants and habitats have increased protection and management objectives within these sites.
- 8.5 Previous assessment work undertaken for the three local planning authorities has identified that adverse impacts would arise from development if not mitigated. Government guidance on assessment under the Habitat Regulations can be found at: [Habitats regulations assessments: protecting a European site - GOV.UK](#)
- 8.6 The adverse impacts arise because of the people living in new homes built within a ten-kilometre catchment of the designated sites, accessing and using the designated sites for recreational purposes and such use leading to unacceptable negative impacts. The concern also applies to some tourism accommodation and may be applicable for other built uses. To allow development to go ahead it has been established that mitigation measures need to be delivered, funded by development. As the sites lie near one another, and the catchment areas for differing sites cross local authority boundaries, it has been deemed appropriate and desirable for the three local authorities to work in partnership on understanding and providing solutions to allow development to go ahead.

South East Devon Wildlife and the existing strategy

- 8.7 The joint approach to mitigation delivery is being successfully implemented under the umbrella of the joint local authority organisation - 'South East Devon Wildlife', for more information see: [South East Devon Wildlife](#). The joint mitigation approach was first agreed on the strength of the initial mitigation strategy: [env-011-south-east-devon-european-site-mitigation-strategy-2014.pdf](#). The current strategy and the partnership approach has the support of Natural England.

- 8.8 The existing joint mitigation strategy has led to a range of projects and initiatives being implemented to ensure that development that would otherwise lead to adverse impacts can go ahead. The measures are funded by development. South East Devon Wildlife has a staff resource, hosted by East Devon District Council and funded by development via the joint mitigation strategy, that undertakes and coordinates delivery and they work with a range of partners and volunteers including Natural England, the Pebblebed Conservation Trust, Devon Wildlife Trust, the RSPB, the Exe Estuary Partnership and officers and teams of the constituent local authorities themselves. Notable successes have been the provision of new Suitable Alternative Natural Greenspace – publicly accessible open space which takes visitor pressure from the protected habitats and provide greater opportunity for recreation.
- 8.9 It should be noted that the joint mitigation strategy allows for development projects to go ahead without detailed bespoke work under the Habitat Regulations being undertaken. The strategic approach simplifies matters for developers, but development project specific assessment and mitigation could come forward outside of the joint strategic approach.

The new mitigation strategy

- 8.10 Whilst the existing strategy has ensured that successful mitigation has been delivered to date, all of the constituent local authorities have new local plans in production. As these plans set out new housing delivery requirements a new joint mitigation strategy is required. Collective agreement was reached on commissioning a new strategy and through joint officer working and engagement with partners and stakeholders the new strategy has been completed and approval from the three local authorities is now sought for its adoption.
- 8.11 The new strategy is included at Appendix A.

The new strategy compared to the existing version

- 8.12 The new strategy will replace and supersede the existing strategy and builds on the work done to date, rolling much of this forward. The explanation below contrasts key aspects of the new strategy with the existing so that changes and evolution in thinking can be noted.
- 8.13 As a starting point it is important to understand the scale of development that new local plans are providing for and which needs to be mitigated; it is a very significant level of development and in the absence of mitigation the new Local Plans could fail to be adopted. In the period from 2025 to 2040 (i.e. a period that extends beyond the strategy life of 2030, the three local authorities, within the 10-kilometre catchment, are predicting completion of around 29,100 new homes, that is approximately 2,000 per year.
- 8.14 Mitigation to be provided under the new strategy will take the form of:
- **Onsite site** mitigation measures– management and access measures and activities which take place at the designated sites, with wardens and other

officers to help operate and run these and positively engage with site users. These on-site activities go under the heading of Strategic Access Management and Monitoring (SAMM) measures.

- **Offsite mitigation measures** – these occur off or away from the designated site – most notable is the provision of what are termed as Suitable Alternative Natural Greenspaces (SANGs). These are new or enhanced green spaces used for recreation purposes that will provide an alternative (alternative to the designated sites) area for recreational activity. By drawing in users SANGs will reduce use/pressure on designated sites. The new strategy also provides for the delivery of range of discrete projects aimed at enhancing existing access and tailored to local needs and specific circumstance.

- 8.15 Some of the measures that are implemented are shorter term and others longer, notably the SANGs are longer term initiatives.
- 8.16 The new strategy covers the five years from 2025 to 2030. It is envisaged that it will need reviewing on a rolling 5-year basis, i.e. an update will be needed in 2030. In addition, the Government have highlighted possible regime changes to the way that mitigation at and for designated wildlife sites may be delivered - under the Planning and Infrastructure Bill amendments to Habitats Regulations (Nature Restoration Fund). With an onus on Government agencies taking a more fundamental lead role.
- 8.17 Under the new strategy there will be an increase in the staff resource to secure mitigation. The existing wardens are under very high and demanding workloads and safety considerations place constraints and limitations on the work they do and the way they work and the coverage they provide. The wardens deliver a very high quality and highly committed customer focussed service, but expansion of the staff resource is needed given the new and increasing pressures the sites face. Additional staff resource will be funded by development via the new strategy.
- 8.18 There is also a newly created green space project officer post noting that identification of sites for SANGs, and securing their implementation and delivery, has been a major challenge and has drawn on considerable amounts of officer time at the authorities. The new post will ensure this crucial part of the work gets the dedicated staff resource that is essential. The new strategy, to complement SANGs, also provides for improvements to promote access and enhance existing land away from the European sites. Such works will need to show that they reduce use and pressure on the designated wildlife sites. There is also, new for this strategy, a flexible “special projects pot” funding for site specific mitigation identified as appropriate and desirable; this flexible pot will complement and work with defined specific projects in the strategy.
- 8.19 To pay for mitigation measures contributions are sought from new housing developments on a per dwelling basis, and under the new strategy are likely to increase. The changes reflect a general increase in costs but also, and more importantly, the original strategy was written and costed without the full benefit of, and practical realisation, of the scale of costs involved. Many of these costs have proved to be substantially higher than the original cost estimates, especially when on-

going and longer-term maintenance and management costs are factored into initial capital costings. Further work is continuing to establish the new per dwelling contribution that will be needed to cover strategy costs.

Next steps for implementation of the new strategy

- 8.20 Whilst this report summarises and seeks approval for the new strategy it does not specify per dwelling contributions that will need to be sought or recommend a specific start date. A further report is planned once more details are agreed. The expectation and intent is, however, that all authorities will agree per dwelling contributions and a date when the new strategy will come in to effect and at that point actions and charges will be based on the new strategy and the older one will be retired.
- 8.21 Final decisions on detail and timing of actions on mitigation will remain to be determined through the existing, formally constituted joint committee (the South East Devon Habitat Mitigation Executive Committee (HMEC) that will continue to run, as has been the case and approach for several years. There is the potential for improvements to be made to existing green infrastructure assets such as some of the Valley Parks within the City Council boundary through the follow-up work to the new mitigation strategy.
- 8.22 The new strategy, as well as setting out the delivery of mitigation, will give planning inspectors, at local plan examination, evidence that mitigation can and will be delivered and therefore that plans are sound and robust in their make-up in this respect.
- 8.23 It should be noted that the need for habitat mitigation measures addresses only the impacts of development on the habitats with the highest level of environmental protection. The related need for biodiversity net gain places separate requirements onto development.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The Joint Habitats Sites Mitigation Strategy, will be important in ensuring the delivery of objectives in the Council's Corporate Plan. Specifically delivering the strategic priorities of 'Housing and building great neighbourhoods and communities'.

10. What risks are there and how can they be reduced?

- 10.1 East Devon District Council, Teignbridge District Council and Exeter City Council all need to approve the new Strategy. To mitigate the risk that this does not occur each Council will continue to work in partnership. It should be noted that the new Strategy has already been approved by the initial stages of the Committee process for the other two Councils.

11. Equality Act 2010 (The Act)

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.
- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.
- 11.4 In recommending the adoption of the Strategy, no potential impact has been identified on people with protected characteristics as determined by the Act. However, the new strategy could lead to benefits for some groups who are less economically advantaged if, in future, improvements are made to local areas of open space through the new mitigation strategy because such areas may be less likely to require access by car. See attached Equalities Impact Assessment.

12. Carbon Footprint (Environmental) Implications:

- 12.1 The Strategy ensures sites of exceptional nature conservation importance are adequately protected when permitting development.

13. Are there any other options?

- 13.1 We could continue to utilise the existing Strategy, but this would not reflect the new levels of housing proposed and therefore may not provide adequate mitigation to meet the legislative requirements.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

The current South East Devon European Site Mitigation Strategy

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