



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

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## Agenda for South East Devon Habitat Regulations Executive Committee

**Wednesday, 24 January 2018 6.00pm**

Members of Committee:

Cllr Humphrey Clemens, Teignbridge District Council

Cllr Phil Twiss, East Devon District Council

Cllr Daniel Gottschalk, Exeter City Council

Peter Lacey, Green Infrastructure Board

Amanda Newsome, Natural England

**Venue:** Rennes Room, Civic Centre, Paris Street, Exeter

[View directions](#)

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Issued 16 January 2018

### Part A

- 1 [Public speaking](#)
- 2 Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 23 October 2017 (page 3-10)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.
- 7 **Audit Report – South West Audit Partnership** (page 11-28)  
*Habitat Regulations Delivery Manager*  
The report seeks to update members of the Executive Committee on the adequacy of the governance and financial arrangements for their own purposes. This report is provided to the partner authorities to demonstrate that they may have confidence in these arrangements.

8 **Annual Business Plan – Progress Report** (page 29-40)

*Habitat Regulations Delivery Manager*

The report advises Members of the update on the progress made in delivery of the mitigation measures set out in the 2016-17 and 2017-18 Annual Business Plans. It is important that progress continues to be made, or this would put the delivery of the partner Authorities' Local plans at risk due to the continued legal duties under the Habitat Regulations.

9 **Risk Register Report** (page 41-54)

*Habitat Regulations Delivery Manager*

The report advises Members that a recent audit of the governance and financial arrangements for the South East Devon Habitat Regulations Executive Committee (SEDHREC) recommended the presentation of a risk register.

*Future Committee dates:*

- 18 April 2018
- 18 July 2018
- 30 October 2018
- 17 April 2018

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[Decision making and equalities](#)

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# Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Civic Centre, Exeter, on Monday 23 October 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.15pm.

## **\*8 Public speaking**

The Chairman, Cllr Daniel Gottschalk, welcomed everyone present to the meeting.

The Executive Committee had received four questions on notice. The Chairman invited the first speaker to read out their submitted question.

Question one received on notice - Rex Frost

'Has the Executive consulted in detail with the Port of Exeter Harbour Authority regarding their attitude to this proposal?'

The Chairman invited the Habitat Regulations Delivery Manager to respond to the question. In response, the Delivery Manager advised that he worked closely with the Waterways Team Manager from Exeter City Council and that he sat on the Habitat Regulations Officer Working Group. As such, they have been involved in decisions about the Wildlife Refuge proposals since their inception and accompanied the Executive Committee on their boat visit to view the areas from the water.

Under the Executive Committee's terms of reference in respect of questions submitted in advance, the questioner had the right to ask a supplementary question relevant to the original question printed above. In response to the supplementary question asked, the Habitat Regulations Delivery Manager advised that he had met with the Service Lead to discuss this.

Question two received on notice - Peter Hardy, Exe Power Boat and Ski Club. Member of the Port User Group

'The zoning of the Exe Estuary is entirely based upon a study - called the Exe Disturbance Study - that has been completely dismissed as inaccurate and flawed. The report to this committee said, "The study is key because it establishes reasonable scientific argument that activities on and around the Exe are causing disturbance to protected species".

This seems contrary to the long and detailed studies conducted by the leading figure in estuary bird disturbance research - Professor John Goss-Custard of Bournemouth University - whose work in this field has not been mentioned in this report.

In order to make the correct decision on this important subject, the committee should be made aware of all the facts both for and against the Voluntary Exclusion Zones. Why is this important evidence on disturbance not included with this report today?'

The Chairman invited the Habitat Regulations Delivery Manager to respond to the question. In response, the Delivery Manager advised that the critique of the Exe Disturbance Study by Professor Goss-Custard was referenced in Section 2 of the report. This section of the report went into considerable detail to explain why the current

approach had been chosen and pointed out that the critique had been considered and rejected by Natural England and the partner authorities.

The critique failed to address a number of important considerations, including the precautionary principle which ensured protection where there was doubt. The Exe Disturbance Study was carried out by leaders in the field of bird disturbance monitoring, was robust and based on direct observation of the distribution and behaviour of birds on the Exe.

This was why, nationally, there were other studies and strategies, from the Humber to the Solent, from North Kent to Poole Harbour, which shared this approach and not that put forward by Professor Goss-Custard.

Records of ongoing disturbance had been compiled by Officers of Teignbridge District Council and were shown in Appendix F. This provided compelling evidence showing ongoing disturbance from powered and non-powered watercraft from 2009 to the present.

In response to a supplementary question, the Delivery Manager reported that Professor Goss-Custard's critique of the study had been considered and rejected as it was considered it did not meet the requirement of the legislation. The Delivery Manager had met with Professor Goss-Custard in 2013 and December 2016 and he had talked to all of the planning teams and each of the local authorities concerned.

Third question submitted on notice – Jane Evans

'Please can the committee explain why the proposal for wildlife refuges restricts human activity so that small craft (canoes, kayaks, dinghies and stand up paddleboards) will no longer be able to travel safely in the estuary? Instead, small craft will be obliged to travel too close to the main channel. This has two major problems:

- a) they are at risk of being run down by large craft e.g. powered vessels and large yachts.
- b) they will be unable to travel against the tidal flow, whereas without any restrictions it is possible to make passage against the tide when not close to the main channel. There are strong tidal flows in the estuary and craft need to be able to travel along a safe route.

The Committee should not introduce a requirement that compromises the safety of water users.

The agenda report states that the objections notified in the consultation which included these points have been addressed because they were misunderstandings. I can assure you that this is not the case, and that the agenda report is extremely misleading in this respect. I urge you to postpone any decision on wildlife refuges to a future date, and for the SEDHR Executive Committee (and not a partnership comprising only conservation bodies) to engage properly with water users.'

The Chairman invited the Delivery Manager to respond to the points raised. In response, the Delivery Manager advised that the Wildlife Refuge proposals had been amended as a result of the 9 month consultation period and took full account of the safety of all users. Since the outset and again in the report, the clear position was that the voluntary refuges cease to apply in the event that they are needed for immediate safety.

The proposed refuge at Dawlish Warren has been moved back by 100 meters from the navigation channel and existing National Nature Reserve boundary. The proposed refuge at Exmouth had been significantly reduced and the western boundary was approximately 750m from the navigation channel. This provided ample room for users to continue their activities.

Additionally, the proposed timing of the refuge at Exmouth had been significantly shortened so that it would not apply at the time of year when it was most popular for water sports. The Watersports Participation Survey 2016, funded by organisations such as the RYA and British Canoeing, shows that 77% of all water based activities take place between March and August.

At the same time, the very reason that the refuges had been proposed was because it was not permissible to allow disturbance from recreation to affect the survival of protected species. If approved, it was reasonable to expect users to factor the refuges into their plans and take personal responsibility for their safety and to avoid them.

In response to the supplementary question, the Delivery Manager advised that he wanted to work with user groups to establish proposals that would maintain the safety of users including less experienced users.

Question four submitted on notice – David Rochester

‘In section 5.1 of your report you comment on consultation as follows:

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

If as you suggest the user concerns and suggestions were taken on board can you explain why the most recent online questionnaire results (shown in appendix d) still show approximately 70% of respondents (69% for Exmouth and 64% for Dawlish) are raising issues with your proposals.’

The Chairman invited the Delivery Manager to respond to the question. In response, the Delivery Manager advised that the majority of those issues raised had been taken on board – they were the same as those addressed in the Exe Estuary Management Partnership’s report and addressed in detail again in the committee report.

The results of the most recent online questionnaire also broke down the issues raised by the respondents, as shown in Appendix D. Many of these responses (96 out of 143 responses for Exmouth and 83 out of 127 for Dawlish) suggested:

- that the proposals should be abandoned.
- there wasn’t sufficient evidence to back up the proposals.
- that the areas were needed for safety.
- or that non-engine water users didn’t have any impact.

Sections 2 and 3 of the report explain in detail the reasons it was considered that the proposals could not be abandoned, that there was sufficient evidence, how safety

concerns had been addressed and Appendix F provided evidence of the disturbance that non-engine water activities could have.

In the absence of other compelling information, the proposals cannot simply be abandoned because people were not in favour of it or choose to support a challenge to the approach which had been addressed and rejected. The refuge proposals remain a request to all user groups to help to protect vulnerable species over areas accounting for less than 10% of the Special Protection Area.

In response to the supplementary question, the Delivery Manager reported that the safety of human users of the estuary was paramount and it was important that education was used to assist with safety and also protect vulnerable areas of the estuary and wildlife. The Delivery Manager confirmed that the operation of the patrol boat would be in line with health and safety protocols.

There were four speakers who had registered to speak at the meeting. The Chairman invited each in turn to address the Committee.

Gavin Bloomfield, representing the RSPB and the Devon Wildlife Trust. He reported that the RSPB fully supports the proposals and wanted to emphasise the importance of the area for migrating birds, which was without dispute. With the demands on the estuary, the number of migrating birds on the estuary had declined. Five species had shown particular high levels of reduction in numbers. The Exe Estuary was very busy compared with other estuaries.

The proposals would help reduce the effect on the most vulnerable parts of the estuary and the wildlife protection aspect of the proposals were important. To act now was a moral imperative to provide protection for both the Exe Estuary and the wildlife on it.

Myles Blood Smyth, representing Exmouth mussels, reported that he was a mussel fisherman on the Exe for 360 days per year. He had the aim of having a vital and healthy river, which supported everybody. He had helped overcome the total mortality of the shellfish beds in the estuary, which had occurred in Spring 2015.

He considered that the disturbance on the Dawlish side on the estuary was minimal. One way to act to help preserve the estuary and wildlife was for Exeter City Council to appoint a harbourmaster as Mr Blood Smyth considered that much of the disturbance of the estuary occurred at the weekend. He opposed the proposals in respect of protective zones within the Exe Estuary and considered that the views of those who knew what would work had not been properly taken in to account.

Rex Frost, Chairman of the Exeter Port User Group, reported on the huge outcry on how the protective zones on the Exe were to be implemented. He considered that the views of the water users, including those of the Royal Yacht Association, had been ignored. All the objections had not been dealt with properly. He did not feel that this matter had been dealt with in a democratic way and that the process should be started again and dealt with in a more conciliatory manner.

Vyv Game, reported that if inflammatory language was used it was because what users had been saying has not been taken into account in the proposals made. He considered that no Exe Estuary User had been part of the process. There had been a lack of proper statistical evidence, which undermined the legitimacy of the whole process.

He had two points to make regarding the proposals:

1. that the use of scientific evidence was not compelling.
2. The process was flawed from the outset.

He considered that no users of the Exe Estuary had been involved in the process. He urged the Committee to refuse the proposals that had been put in front of them and start again. He felt that the use of the Exe Estuary had reduced over the last 20 years.

Councillor Phil Twiss, had a question regarding the effect of future development of the Exe Estuary and also on the level of S106 funding. The Delivery Manager reported there was a 10km zone of influence for development around the designated wildlife site. These were the people in new housing likely to have a future influence on the Exe. Local Plans for the three Districts anticipated the development of 30,000 homes in these zones. Councillor Twiss did consider that the opinions of members of the public had been taken into account during the process.

**\*9 Declarations of interest**

There were none.

**\*10 Matter of urgency - Car parking at Dawlish Warren**

With the agreement of the Chairman, there was one matter of urgency presented to the Executive Committee for consideration. The matter related to the management of car parking at Dawlish Warren to ensure improved visitor management and reduced visitor pressure on the Special Area of Conservation.

The Executive Committee considered the Delivery Manager's report outlining the current parking arrangements at Dawlish Warren and recommending that new arrangements be implemented by Teignbridge District Council (who owned the car park), to encourage visitors to the area to use alternative green space, such as the newly opened Dawlish Countryside Park, and relieve pressure on Dawlish Warren, which was an important wildlife site.

**RESOLVED:**

- 1. that the Executive Committee recommends that Teignbridge District Council consider cessation of "high" and "low" season charges and implement a single charging schedule for car parking at the both the "inner" (seaward) and outer (landward) car parks (edged yellow and blue respectively on the plan at Appendix A), Dawlish Warren. These charges would apply throughout the year, including on Sundays, and would be most appropriately based on existing "summer" prices (and any appropriate increases to account for inflation).**
- 2. that the Executive Committee recommends that Teignbridge District Council considers closure of the easternmost half of the "inner" car park (edged blue and cross hatched red on the Plan at Appendix A) from 15th October – 1st March. (Discussion and agreement from Dawlish Warren Golf Course on access arrangements would be necessary.)**

**\*11 Financial report**

The Executive Committee considered the Habitat Regulations Delivery Manager's report updating Members on the overall financial position of developer contributions received by all three local authorities as mitigation payments toward measures identified in the South East Devon European Site Mitigation Strategy. The report set out details of the contributions received from inception until the end of the first quarter of 2017 financial year and also included anticipated income from contributions where planning permission had been granted, however the mitigation payment had not yet been paid. Members noted that updated housing forecasts were not currently available from all partner authorities and to avoid inaccuracies a 5 year income forecast of developer contributions had not been included - they would be presented to the Executive Committee at their next meeting (January 2018).

Councillor Phil Twiss asked how much S106 money from developers was still outstanding. The Delivery Manager reported that that it was always challenging to get developer contributions on time. There were items that dated from 2011 and 2012, but EDDC's S106 Officer was actively chasing these.

**RESOLVED:**

- 1. that the quarterly update on the overall financial position, including contributions received, contributions not received because arrangements might be in place for contributions to be with-held, expenditure and anticipated contributions (from signed S106), be noted.**
- 2. that the Executive Committee receives an update on 5 year income forecasts of developer contribution receipts at the HREC meeting in January 2018.**

**\*12 Review of zones in the Exe Estuary**

The Executive Committee considered the Habitat Regulations Delivery Manager's report setting out the legal background and detailed process, including comprehensive consultation and engagement, to arrive at a set of proposals for two protective Wildlife Refuges on the Exe Estuary at Dawlish Warren and Exmouth.

Members noted that the Wildlife Refuges presented one of the most significant, albeit voluntary, changes to access in the Estuary for a number of years and were required as result of a significant increase in human population, associated recreational activities and evidence, which indicated the significant impacts this had on protected species and habitats. The protected species depended on the Estuary for survival and the evidence coupled with a precautionary approach required by legislation made it clear that doing nothing was not an option. To work effectively, the Refuges would depend on the goodwill and education of people using the Estuary for their recreational pursuits. It was recommended that the Executive Committee received annual monitoring reports in order to maintain an overview of how effective the Refuges were and that after three years there would be an overarching review of monitoring results.

The Delivery Manager thanked all those that had shared their views and had engaged in the process. It was recognised that not everyone would be happy with the proposals, however the recommendations were considered to be the best possible compromise.

Councillor Humphrey Clemens reported that he felt that a considerable amount had changed over the last year to the proposals and the areas in question had reduced considerably. He had attended a trip by boat to see the areas and this had proved very useful. There were still large areas available for recreational use. He had witnessed a



single kayak disturb a flock of widgeon, who had not returned. This had evidenced that even relatively small craft caused disturbance. It was the Committee's duty to protect bird life and it was the intention to make the proposals voluntary and estuary users who were in trouble could use the protected zones. He found that there was no evidence to suggest that he should not support the proposed protected zones.

Councillor Phil Twiss asked what the arrangements were for the patrol boat. The Delivery Manager reported that there was a budget of £22K available to purchase a patrol boat and that the purchase of this had been on hold pending the outcome of the wildlife refuge proposals. Councillor Twiss reported that the composition of the Committee had changed recently and that he was relatively new to it. The Exe Estuary was a finite resource and considered that the restricted zones were a small part of it. The pressures on natural resources would increase as the number of houses built increased. This would inevitably mean a growth in the users of the Exe Estuary.

CIL and S106 monies would help the Exe Estuary. Councillor Twiss reported that he did not like the idea of compulsory zones. A voluntary exclusion zone gives an opportunity to trial it. Doing nothing was not an option and he wanted the new zones to be properly maintained.

Neil Harris then read out the statement from Peter Lacey, during which he stated he was not fully qualified to make a judgement on the proposed restricted zones for the Exe Estuary, but still considered that they were a proportionate response to the problem. Andrew Stanger the Natural England representative reiterated his organisation's previous comments. Councillor Clemens asked if the zones were reduced would this meet Natural England's requirements to protect species on the Exe. The Natural England representative reported that he would not want to see them reduced further.

Neil Harris reported that previous patrolling of the area had been undertaken by volunteers. He confirmed that there was no current active enforcement of the bylaws.

Councillor Daniel Gottschalk, Chairman, wished to thank all those who had taken part in the process. Safety was paramount, these were only voluntary refuges, and residents were able to use all of the Exe Estuary for safety purposes. He confirmed that he would make sure that all users would be engaged and feedback would be received from all users.

**RESOLVED:**

- 1. that the outcome of the comprehensive consultation exercise on the introduction of Wildlife Refuges be noted. The Executive Committee wished to record its thanks to the Exe Estuary Management Partnership for undertaking the initial stages of the exercise;**
- 2. that establishing two Wildlife Refuges at Exmouth and Dawlish Warren as recommended in Section 6 of the Exe Estuary Management Partnership's report 'Exe Estuary Zonation Review – Consultation Report', subject to a change to preclude the use of powerboats in the Exmouth Refuge between 15 September to 31 December, be approved;**

3. that Exeter City Council be recommended to undertake a review of Byelaw 4a (relating to use of powerboats in the designated 'Powerboat' zone) with a view to precluding use of powerboats in the designated area between 15 September to 31 December;
4. that the Executive Committee receives an annual Wildlife Refuge Monitoring Report;
5. that the Executive Committee receives an overarching review of monitoring results after completion of the third year of monitoring (2021).

**Attendance list**

**Committee Members:**

Cllr Daniel Gottschalk, Exeter City Council (Chairman)  
Cllr Humphrey Clemens, Teignbridge District Council  
Cllr Phil Twiss, East Devon District Council

**Officers**

Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)  
Neil Harris, Habitat Regulations Delivery Manager – Growth Point Team  
Andy Wood, East of Exeter Projects Director  
Chris Lane, Democratic Services (EDDC)  
Anne Mountjoy, Growth Point Communications Officer – Growth Point Team  
Fergus Pate, Principal Growth Point Officer (TDC)  
Andy Robbins, City Development Manager (ECC)  
Andrew Stanger, Natural England

**Apologies:**

Peter Hearn, Strategic Infrastructure Planning (ECC)  
Peter Lacey, Green Infrastructure Board  
Amanda Newsome, Natural England  
Simon Davey, Strategic Lead – Finance (EDDC)

Chairman ..... Date.....



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

*Audit Report – South West Audit Partnership*

Neil Harris, Habitat Regulations Delivery Manager  
January 2018

Legal comment/advice:

There are no legal implications requiring comment.

Finance comment/advice:

It was considered appropriate to include this area within the EDDC Internal Audit (SWAP) plan for the current year in to give all partner authorities independent assurance.

<b>Public Document:</b>	Yes
<b>Exemption:</b>	None
<b>Review date for release</b>	None

## Recommendations

It is proposed that the Executive Committee:

1. Notes that the “Habitat Mitigation 17/18 Audit” report found no significant issues and issued a “reasonable” assurance opinion.
2. Notes that the recommendations within the audit report have been incorporated to the reporting structure for current and future meetings of the Committee.

Equalities impact: Low

Risk: Medium. The partner authorities could face financial, legal and/or reputational damage if the South East Devon Habitat Regulations Executive Committee is unsuccessful in meeting its objectives.

## 1. Summary

1.1 As the administering body for the South East Devon Habitat Regulations Executive Committee (SEDHREC), East Devon District Council (EDDC) requested an audit review of the adequacy of the governance and financial arrangements for their own purposes. This report is provided to the partner authorities to demonstrate that they may have confidence in these arrangements.

1.2 The review (see Appendix A) was carried out by the South West Audit Partnership, a not for profit organisation which focusses on internal audit. Their partnership structure of 24 organisations is the largest Internal Audit Partnership of its type in England and Wales.

1.3 The audit review identified no significant issues and issued the audit a reasonable assurance opinion.

1.4 Most of the areas reviewed were found to be adequately controlled. Generally, risks are well managed but some systems require the introduction or improvement of internal controls to ensure that outcomes are achieved.

## 2. Method and scope.

2.1 The audit was undertaken using an agreed, risk based approach. This means that:

- Objectives and risks are discussed and agreed with management at the outset of the audit.
- the controls established to manage risks are discussed with key staff and relevant documentation reviewed;
- these controls are evaluated to assess whether they are proportionate to the risks and evidence sought to confirm controls are operating effectively;
- at the end of the audit, findings are discussed at a close-out meeting with the main contact and suggestions for improvement are agreed.

## 3. Audit findings.

3.1 The following areas were found to be well controlled:

- Annual Business Plan and Five Year Delivery Programme.
- Recharges from EDDC to partner authorities.
- Funding arrangements are clearly set out in the Governance, Operation and Stakeholder Interaction report<sup>1</sup>.
- Committee meetings are operating in line with the agreed Terms of Reference (with the exception of Risk Review – see below).
- All relevant bodies and organisations are part of a Working Group and are being consulted and informed on a reasonable basis.

3.2 Improvement could be made in the following areas:

- One of the functions of the HREC is to monitor risks and although a comprehensive risk register has been developed by the Habitat Regulations Delivery Manager this has not been presented at the HREC.
- The production of the Financial Report is inefficient due to the manual input involved.
- The Progress Reports presented to HREC do not currently include the budgetary status for each project.
- No minutes are taken at the Officer Working Group so there is therefore no record of the meeting and the recommendations that will be made to the HREC.

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<sup>1</sup> Arrangements for Governance, operation and stakeholder interaction – June 2016

## 4. Recommendations

4.1 All recommendations were categorised as Priority 3 (on a rising scale of 1-5), meaning “The accuracy of records is at risk and requires attention”.

4.2 One of the functions of the Committee is to “Monitor risks, progress and effectiveness of delivery.” Although the Habitat Regulations Delivery Manager (HRDM) has prepared a Risk Register it has not been reviewed or presented at the Committee. Therefore, this a concern that risks are not being appropriately monitored resulting in the Committee not being aware of the current risks and how they are being mitigated.

4.2.1 An updated Risk Register is presented separately at this meeting of HREC and will be presented at 6 monthly intervals thereafter.

4.3 Finance reports are produced by the HRDM on a six-monthly basis and include the contributions received, contributions from permission granted but not yet received, funds allocated, funds committed and funds spent. The data for the reports is held on a working spreadsheet and summary spreadsheet and the summary spreadsheet is in the format required for the report.

4.4 Although no errors were identified, it proved difficult to track the working spreadsheet to the report as the figures are calculated manually and input into the summary spreadsheet. There is a risk that the financial report does not accurately reflect the financial contributions which could result in the Committee not having a clear picture of the overall financial position.

4.4.1 The HRDM is working with the responsible Accountant at EDDC to streamline and simplify the financial reporting process. This includes reducing the amount of manual input involved.

4.5 Progress reports are produced by the HRDM for every meeting of HREC and contain comprehensive information on each of the projects in the previous quarter. However, they do not include the expenditure on each of the projects or the status of each project. It is therefore not possible to confirm whether the progress made is as expected or whether there are any delays and there is a risk that the Committee are not fully aware of any issues arising.

4.5.1 The HRDM has updated the progress report to include a table summarising progress made, expenditure against budget and any issues arising for each project. The level of detail on each project has also been reviewed to reduce the amount of information produced and incorporate concise summary tables.

## **5. Conclusion.**

5.1 The South West Audit Partnership review covered the governance and finance arrangements for the South East Devon Habitat Regulations Executive Committee. The review found no significant issues and issued the audit a reasonable assurance opinion.

5.2 The review identified that arrangements for the delivery of the mitigation strategy, recharges to partner authorities, funding arrangements, operation of Committee meetings and Working Group were all well controlled.

5.3 However, the review also identified that arrangements regarding the reporting of risks to the HREC, production of the Financial Report, budgetary reporting in progress reports and minute-taking at the Officer Working Group could all be improved.

5.4 The audit recommendations have been noted and actioned by the Habitat Regulations Delivery Manager. Where recommendations relate to additional reporting requirements or changes to current standing reports, these have been incorporated as of January 2018.

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

**South East Devon**  
**Habitat Regulations**  
**Executive Committee**  
**January 2018**



**Natural England comment:**

# Habitat Mitigation 17/18


## Final Report




Issue Date: 29 September 2017

Working in Partnership to Deliver Audit Excellence




## Executive Summary

-  This section provides an overview for senior management to understand the main conclusions of this audit review, including the opinion, significant findings and a summary of the corporate risk exposure.

## Findings and Outcomes

-  This section contains the more detailed findings identified during this review for consideration by service managers. It details individual findings together with the potential risk exposure and an action plan for addressing the risk.

## Appendices:

-  Audit Framework Definitions
-  Support and Distribution
-  Statement of Responsibility

# Executive Summary

## Overview

East Devon District Council is the administering body for the South East Devon Habitat Regulations Committee (HREC). As part of the 17/18 audit plan, East Devon District Council have requested a review of the adequacy of the governance and financial arrangements surrounding their administrative role.

We identified no significant issues and have given the audit a reasonable assurance opinion.

The HREC is a high level committee that was formed to ensure that appropriate habitat mitigation measures in respect of sites of European importance are delivered across the three administrative areas. The three partner authorities of East Devon District Council, Teignbridge District Council and Exeter City Council have all approved entering this joint committee established under the Local Government Act 1972. The estimated cost of these measures totals £15,456,254 and the funding is collected from the S106 planning Obligations and Community Infrastructure Levy (CIL) contributions obtained from these Councils.

EDDC are the accountable body responsible for administering the finances to support the decisions of the HREC authority and is using the Council's Standing Orders and Financial Regulations. HREC has delegated the day to day delivery of the mitigation to the Habitat Regulations Delivery Manager.

## Objective

To provide assurance that the governance arrangements in place around the South East Devon Habitat Regulations Executive Committee are appropriate.

## Significant Findings

Finding:	Risk:
There were no significant findings.	

## Audit Opinion:

**Reasonable**

Most of the areas reviewed were found to be adequately controlled. Generally risks are well managed but some systems require the introduction or improvement of internal controls to ensure the achievement of objectives.

The following areas of the service were found to be well controlled:

- There is an Annual Business Plan and Five Year Delivery Programme in place which sets out the principles for on-site projects which have been recommended as a priority and has been approved by the Committee.
- Recharges to Teignbridge District and Exeter City Council are made based on contributions and the Delivery Manager maintains records of these contributions.
- Funding arrangements are clearly set out in the Governance, Operation and Stakeholder Interaction report.

- The committee meetings are operating in line with the agreed Terms of Reference (with the exception of Risk Review – see below).
- All relevant bodies and organisations are part of a Working Group and are being consulted and informed on a reasonable basis.

However, improvement could be made in the following areas:

- The risk of one of the Council’s leaving the HREC is not currently recognised on EDDC’s Corporate Risk Register.
- One of the functions of the HREC is to monitor risks and although a comprehensive risk register has been developed by the Habitat Regulations Delivery Manager this has not been presented at the HREC.
- The production of the Financial Report is inefficient due to the manual input involved.
- The Progress Reports presented to HREC do not currently include the budgetary status for each project.
- No minutes are taken at the Officer Working Group so is therefore no record of the meeting and the recommendations that will be made to the HREC.

### Corporate Risk Assessment

Risks	Inherent Risk Assessment	Manager’s Initial Assessment	Auditor’s Assessment
1. The Council could face financial, legal or reputational damage if the South East Devon Habitat Regulations Committee is unsuccessful in meeting its objectives.	<b>High</b>	<b>Medium</b>	<b>Medium</b>

# Findings and Outcomes

## Method and Scope

This audit has been undertaken using an agreed risk based approach. This means that:

- the objectives and risks are discussed and agreed with management at the outset of the audit;
- the controls established to manage risks are discussed with key staff and relevant documentation reviewed;
- these controls are evaluated to assess whether they are proportionate to the risks and evidence sought to confirm controls are operating effectively;
- at the end of the audit, findings are discussed at a close-out meeting with the main contact and suggestions for improvement are agreed.

We will review the recharging process in detail as part of the S106/CIL audit planned for Quarter 3 this year as it involves using the S106/CIL contributions to fund the projects.

1.	The Council could face financial, legal or reputational damage if the South East Devon Habitat Regulations Committee is unsuccessful in meeting its objectives.	Medium
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### 1.1 Finding and Impact

#### Risk Management

In July 2014, an initial request asking for approval for a joint approach to secure mitigation of adverse impacts that could arise from the development at the key wildlife sites of the Exe Estuary, the Pebblebed Heaths and Dawlish Warren, was presented to the EDDC Cabinet.

The only risks in this report related to the adverse impact on wildlife and that planning permission for developments would not be granted. There was no reference to the risk relating to the potential breakdown of the Committee and the impact on EDDC if one of the Council's left the arrangement.

EDDC should therefore add this risk to their Corporate Risk Register and ensure that they have controls in place to manage and monitor this risk. If this is not considered as a risk the Council could be open to financial loss and legal implications if the Committee is dissolved.

1.1a	Agreed Outcome:	Priority 3
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The Strategic Lead – Finance has agreed to add the risk of one of the Council's leaving the HREC Committee to the Corporate Risk Register and this should include the controls that are in place to manage and monitor this risk.

#### Action Plan:

Person Responsible:	Strategic Lead - Finance	Target Date:	31 January 2018
Management Response:	Agreed		

## 1.2 Finding and Impact

### HREC Risk Register

One of the functions of the Committee is to “Monitor risks, progress and effectiveness of delivery.” Although the Habitat Regulations Delivery Officer has prepared a Risk Register it has not been reviewed or presented at the Committee. Therefore, this a concern that risks are not being appropriately monitored resulting in the Committee not being aware of the current risks and how they are being mitigated.

### 1.2a Agreed Outcome:

**Priority 3**

The Habitat Delivery Regulations Manager has agreed to present the Risk Register at the HREC on a six-monthly basis. A review date should be added and any updates made on a regular basis.

#### Action Plan:

Person Responsible:	<b>Habitat Delivery Regulations Manager</b>	Target Date:	24/01/17
Management Response:	An updated Risk Register will be presented at the next HREC meeting on 24/01/17 and at 6 monthly intervals thereafter.		

## 1.3 Finding and Impact

### Finance Reports

Finance reports are produced by the Habitat Regulations Delivery Manager on a six-monthly basis and include the contributions received, contributions from permission granted but not yet received, funds allocated, funds committed and funds spent. The data for the reports is held on a working spreadsheet and summary spreadsheet and the summary spreadsheet is in the format required for the report.

Although we didn't identify any errors, it proved difficult to track the working spreadsheet to the report as the figures are calculated manually and input into the summary spreadsheet. There is a risk that the financial report does not accurately reflect the financial contributions which could result in the Committee not having a clear picture of the overall financial position.

### 1.3a Agreed Outcome:

**Priority 3**

The Habitat Regulations Delivery Officer has agreed to work with the responsible Accountant to streamline and simplify the financial reporting process. This should include reducing the amount of manual input involved.

#### Action Plan:

Person Responsible:	<b>Habitat Regulations Delivery Manager</b>	Target Date:	24/01/17
Management Response:	A simplified reporting process has started which has informed the Financial Report for the HREC meeting on 23/10/17. This will be further refined in time for the next HREC meeting on 24/01/17.		

## 1.4 Finding and Impact

### Progress Reports for HREC

Progress reports are produced by the Habitat Regulations Delivery Manager for every HREC and contain comprehensive information on each of the projects in the previous quarter. However, it does not include the spend on each of the projects or the status of each project. It is therefore not possible to confirm whether the progress made is as expected or whether there are any delays and there is a risk that the Committee are not fully aware of any issues arising.

1.4a	Agreed Outcome:		<b>Priority 3</b>
<p>The Habitat Regulations Delivery Manager has agreed to update the progress report to include a table summarising progress made, expenditure against budget and any issues arising for each project. The level of detail on each project could also be reviewed to confirm whether the Committee require this level of information or whether a summary table would be adequate.</p>			
<b>Action Plan:</b>			
Person Responsible:	<b>Habitat Regulations Delivery Manager</b>	Target Date:	24/01/17
Management Response:	The recommendations will be incorporated into an updated progress report for the next HREC meeting on 24/01/17.		



# Audit Framework and Definitions

## Assurance Definitions

<b>None</b>	The areas reviewed were found to be inadequately controlled. Risks are not well managed and systems require the introduction or improvement of internal controls to ensure the achievement of objectives.
<b>Partial</b>	In relation to the areas reviewed and the controls found to be in place, some key risks are not well managed and systems require the introduction or improvement of internal controls to ensure the achievement of objectives.
<b>Reasonable</b>	Most of the areas reviewed were found to be adequately controlled. Generally risks are well managed but some systems require the introduction or improvement of internal controls to ensure the achievement of objectives.
<b>Substantial</b>	The areas reviewed were found to be adequately controlled. Internal controls are in place and operating effectively and risks against the achievement of objectives are well managed.

## Definition of Corporate Risks

Risk	Reporting Implications
<b>High</b>	Issues that we consider need to be brought to the attention of both senior management and the Audit Committee.
<b>Medium</b>	Issues which should be addressed by management in their areas of responsibility.
<b>Low</b>	Issues of a minor nature or best practice where some improvement can be made.

## Categorisation of Recommendations

When making recommendations to Management it is important that they know how important the recommendation is to their service. There should be a clear distinction between how we evaluate the risks identified for the service but scored at a corporate level and the priority assigned to the recommendation. No timeframes have been applied to each Priority as implementation will depend on several factors, however, the definitions imply the importance.

<b>Priority 5</b>	Findings that are fundamental to the integrity of the unit's business processes and require the immediate attention of management.
<b>Priority 4</b>	Important findings that need to be resolved by management.
<b>Priority 3</b>	The accuracy of records is at risk and requires attention.

*Priority 2 and 1 Actions will normally be reported verbally to the Service Manager.*

# Support and Distribution

## Report Authors

This report was produced and issued by:

Moya Moore, Assistant Director  
Georgina Teale, Lead Auditor

## Support

We would like to record our thanks to the following individuals who supported and helped us in the delivery of this audit review:

Neil Harris, Habitat Mitigation Delivery Officer  
Simon Davey, Strategic Lead – Finance  
Henry Gordon-Lennox, Strategic Lead – Governance and Licensing

## Distribution List

This report has been distributed to the following individuals:

Neil Harris, Habitat Mitigation Delivery Officer  
Simon Davey, Strategic Lead – Finance  
Henry Gordon-Lennox, Strategic Lead – Governance and Licensing

## Working in Partnership with

Cheltenham Borough Council	Sedgemoor District Council
Cotswold District Council	Somerset County Council
Devon & Cornwall Police & OPCC	South Somerset District Council
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Dorset Police & OPCC	West Dorset District Council
East Devon District Council	West Oxfordshire District Council
Forest of Dean District Council	West Somerset Council
Herefordshire Council	Weymouth and Portland Borough Council
Mendip District Council	Wiltshire Council
North Dorset District Council	Wiltshire Police & OPCC



# Statement of Responsibility

## Conformance with Professional Standards

SWAP work is completed to comply with the International Professional Practices Framework of the Institute of Internal Auditors, further guided by interpretation provided by the Public Sector Internal Auditing Standards.

## SWAP Responsibility

Please note that this report has been prepared and distributed in accordance with the agreed Audit Charter and procedures. The report has been prepared for the sole use of the Partnership. No responsibility is assumed by us to any other person or organisation.



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

## *Annual Business Plans – Progress Report*

Neil Harris, Habitat Regulations Delivery Manager  
January 2018

Legal comment/advice:

There are no legal implications requiring comment.

Finance comment/advice:

The purpose of the financial picture presented in this report is to indicate progression, or not, against the Business Plan Measurers. This is not a financial monitoring report which is presented separately.

<b>Public Document:</b>	Yes
<b>Exemption:</b>	None
<b>Review date for release</b>	None

## Recommendations

It is proposed that the Executive Committee:

1. Notes the progress made towards delivering the 2016-17 and 2017-18 Annual Business Plans.
2. Notes changes to the structure, type and volume of information reported, in accordance with recommendations in the “Habitat Mitigation 17/18 Audit” review (reported separately).
3. Notes the causes and revised completion dates for mitigation measures subject to delay.

Equalities impact: Low

Risk: Medium.

This report is an update on the progress made in delivery of the mitigation measures set out in the 2016-17 and 2017-18 Annual Business Plans. It is important that progress continues to be made, or this would put the delivery of the partner Authorities’ Local Plans at risk due to the continued legal duties under the Habitat Regulations.

### 1. Summary/Overview

1.1 The 2017-18 Annual Business Plan was approved at the meeting of the South East Devon Habitat Regulations Executive Committee (SEDHREC) on 27<sup>th</sup> July 2017 at the Exeter City Council Rennes Committee Room, Civic Centre, Paris Street, Exeter.

1.2 The measures outlined in the plan had been scored according to agreed criteria and further debated and endorsed by the Officer Working Group. The plan outlines continued delivery of measures established as part of the 2016-17 plan, as well as a range of additional measures, outlining additional expenditure of an estimated £99,000.

1.3 Table 1, below, outlines the status and expenditure of all mitigation measures approved by SEDHREC<sup>1</sup> to date.

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<sup>1</sup> Additionally, a measure at Exminster Marshes agreed prior to the formation of SEDHREC.

**Table 1. Completed and/or ongoing mitigation – status & expenditure to date.**

Site	Measure	Total Capital Budget	Revenue budget p/a	Total Strategy Budget	Expenditure to date (Actual)	Status
Cross Site	Staff – salaries, NI, recharges, travel, training, stationery.	£0	£124,300	£5,694,500	£189,125.64	Completed (ongoing)
Cross Site	HMO <sup>2</sup> vehicle, tax, insurance, fuel	£20,000 <sup>3</sup>	£2,000	£340,000	£21,183.25	Completed (ongoing)
Cross Site	Dog project	£12,000	£2,000	£172,000	£7,964.50	Completed (ongoing)
Exe Estuary	Screening and modifications to gates – Exminster Marshes <sup>4</sup>	£6,000	£0	£6,000	£7,606.67	Completed (ongoing)
Exe Estuary	Exe revised zoning <sup>5</sup>	£5,000	£0	£5,000	£5,725.60	Completed
Exe Estuary	Dawlish Wildlife Refuge <sup>6</sup>	£2,000	£0	£2,000	£4,186	Completed
Exe Estuary	Low Tide WeBS count <sup>7</sup>	£1,000	£250	£20,000	£1,000.00	Completed (ongoing)
Pebblebed Heaths	Dog bins	£3,500	£2,870	£273,100	£2,913.43	Completed (ongoing)
Pebblebed Heaths	Pebblebeds monitoring	£0	£2,000	£2,000	£2,000.00	Completed
<b>Total</b>		<b>£49,500</b>	<b>£133,420</b>	<b>£6,514,600</b>	<b>£241,705.09</b>	

<sup>2</sup> Habitat Mitigation Officers.

<sup>3</sup> Capital replacement of the vehicle budgeted every 10 years (and/or according to the state of repair of the vehicle) – see “Rebasing the SEDESMS – the strategic response.” 5.5, July 2017.

<sup>4</sup> This measure (and cost increase) was agreed & arranged between TDC & RSPB prior to the formation of the Executive Committee.

<sup>5</sup> Increase in cost due to extended consultation & website.

<sup>6</sup> Increase in cost due to extended consultation.

<sup>7</sup> £1000 every 5 years approved by SEDHREC in Sept 2016 – see relevant minutes (item 15).



1.4 Table 2, below, outlines the expenditure and status of mitigation measures currently in development.

**Table 2. Mitigation in development – status & expenditure**

Site	Measure	Capital cost	Revenue budget p/a	Total Strategy budget	Total expenditure	Status
Dawlish Warren	Carry out audit of information boards	£11,500	£0	£19,500	£0	In progress
Dawlish Warren	BBQ info at local retailers	£2,000	£50	£6,000	£0	In progress
Dawlish Warren	Removal of Dog Control Order	£2,000	£0	£2,000	£0	In progress
Dawlish Warren	Byelaw preventing fires and barbeques in buffer zone	£2,000	£0	£2,000	£0	In progress
Exe Estuary	Update signs at public slipways	£40,000	£0	£120,000	£0	In progress
Exe Estuary	Disturbance monitoring - Refuges	£0	£10,000	£30,000	£0	In progress
Exe Estuary	New interpretation boards (five boards)	£12,500	£0	£112,500	£0	In progress
Exe Estuary	Procurement, installation and maintenance of buoy markers.	£5,000	£0	£30,000	£0	In progress
Pebblebed Heaths	Pebblebeds Codes of conduct	£4,000	£0	£6,000	£0	In progress
Pebblebed Heaths	Boardwalks/Path surfacing	£10,000	£0	£95,000	£0	In progress
<b>Total</b>		<b>£89,000</b>	<b>£10,000</b>	<b>£423,000</b>	<b>£0</b>	

1.4 Table 3, below, outlines the expenditure and status of mitigation measures currently subject to delay.

**Table 3. Delayed mitigation measures – status & expenditure.**

Site	Measure	Capital cost	Revenue budget p/a	Total Strategy budget	Total expenditure	Status
Exe Estuary	Codes of conduct	£10,000	£0	£10,000	£0	In progress (delayed)*
Exe Estuary	Patrol boat	£22,600	£7,000	£162,600	£0	In progress (delayed)*
Exe Estuary	Small inflatable boat and outboard motor	£1,500	£0	£1,500	£0	In progress (delayed)*
Dawlish Warren	Petalwort monitoring	£1,000	£0	£26,667	£0	In progress (delayed)*
Pebblebed Heaths	Pebblebeds map	£1,500	£0	£1,500	£0	In progress (delayed)*
<b>Total</b>		<b>£26,600</b>	<b>£7,000</b>	<b>£192,267</b>		<b>£0</b>

1.5 Causes of delay, revised completion dates:

- Codes of Conduct for the Exe Estuary – originally due for completion April 2017. The outcome of the Wildlife Refuge consultation feeds directly into the codes of conduct work, so the extension of that consultation had a knock-on effect. Additionally, user groups have requested more time to allow for meetings to discuss the work. Revised completion date: April 2018.
- The Patrol Boat and small inflatable are also linked to the outcome of the Wildlife Refuge consultation. We are now able to proceed to procurement. Revised completion date: April 2018
- Petalwort monitoring at the Warren - work remains dependent upon Natural England's response, which could include information on other consents and licences which are required to progress. Revised completion date: April 2018
- Mapping of sensitive areas on the Pebblebed Heaths. Clinton Devon Estates are undertaking this work on behalf of the Executive Committee. The Committee gave approval for increased funding at their meeting on 27 July 2017, following a tendering process for the work. Graphic designers have been commissioned to carry out mapping artwork and draft styling is being worked up. Revised completion date: April 2018

## **2. Public engagement**

### **2.1 Habitat Mitigation Officers (HMOs)**

2.1 October 2018 marked one year since the HMO positions began in earnest. In that time, the roles have developed to include engagement with specific user groups as part of the Wildlife Refuge consultations and the ongoing codes of conduct work. They also continue to engage with the public as part of their daily patrols across the protected sites.

2.2 Although the Wildlife Refuge consultation was somewhat contentious, both the Exe Estuary Officer and HMOs have subsequently reported positive meetings with user groups to develop updated codes of conduct.

2.3 The HMOs organised and hosted the first meeting of different mitigation teams from across the south of England. This was attended by over 30 staff from the Thames Basin Heaths Partnership, Bird Aware Solent and the Urban Heaths Partnership (Dorset). The event provided opportunities for sharing best practise, networking and establishing an online source for sharing relevant information, scientific surveys and research via “Knowledge Hub”.

2.4 Data from the HMO electronic recording form provides a daily record of locations visited, number of people spoken to, activities witnessed and disturbance events.

2.5 We now have a whole year of data, retrieved from November 16 to November 2017. This illustrates that the HMOs have had face to face contact with 2157 people over the course of 1109 separate interactions. Comprehensive data for this period is summarised in Table 4, below:

**Table 4: HMOs: Locations, number of people spoken to & interactions**

	Nov 2016 – June 2017		June – Nov 2017		2016-17 Total	
	Ppl Spoken to	No of interactions / visits	Ppl Spoken to	No of interactions / visits	Ppl Spoken to	No of interactions / visits
<b>Dawlish Warren</b>						
Dune Ridge	40	15	105	45	145	60
Finger Point	10	2	7	4	17	6
Greenland Lake	23	10	24	11	47	21
Groyne 9>	188	74	104	53	292	127
Groynes 1-9	10	3	23	11	33	14
Main Woods (DD)	8	3	12	4	20	7
Railway Saltmarsh	-	-	0	2	0	2
Soft Sand Bay	17	7	158	83	175	90
Warren Point	9	4	13	7	22	11
Visitor Centre	-	-	48	23	48	23
<b>Total</b>	<b>305</b>	<b>118</b>	<b>494</b>	<b>243</b>	<b>799</b>	<b>361</b>
<b>Exe Estuary</b>						
Bowling Green Marsh	2	1	17	9	19	10
DW Wildlife Refuge	2	1	2	1	4	2
Exminster Marshes	1	1	6	6	7	7
Exmouth Duck Pond / LNR	22	15	257	144	279	159
Half Moon Field	-	-	2	1	2	1
Imperial Recreation Ground	6	5	4	1	10	6
Old Sludge Beds	-	-	0	1	0	1
<b>Total</b>	<b>33</b>	<b>23</b>	<b>288</b>	<b>163</b>	<b>321</b>	<b>186</b>

**Table 4 (continued): HMOs: Locations, number of people spoken to & interactions**

	<b>Nov 2016 – June 2017</b>		<b>June – Nov 2017</b>		<b>2016-17 Total</b>	
	Ppl Spoken to	No of interactions / visits	Ppl Spoken to	No of interactions / visits	Ppl Spoken to	No of interactions / visits
<b>Pebblebed Heaths</b>						
Aylesbeare Common	47	20	33	14	80	34
Bicton Common	59	32	51	33	110	65
Bystock	9	5	8	6	17	11
Colaton Raleigh Common	120	62	28	23	148	85
Dalditch Common	3	2	0	1	3	3
East Budleigh Common	44	30	9	12	53	42
Harpford Common	6	4	1	6	7	10
Hawkerland	27	19	5	5	32	24
Model Airfield	1	1	-	-	1	1
Woodbury Common	383	176	202	108	585	284
Venn Ottery	-	-	1	3	1	3
<b>Total</b>	<b>699</b>	<b>351</b>	<b>338</b>	<b>211</b>	<b>1037</b>	<b>562</b>
<b>Total (combined)</b>	<b>1037</b>	<b>492</b>	<b>1120</b>	<b>617</b>	<b>2157</b>	<b>1109</b>

## Devon Loves Dogs

2.6 The (part time) Devon Loves Dogs Project Officer has also been in post for a year, during which the role has developed significantly. Initial efforts were invested in establishing the brand, the website and identifying and procuring resources for events. With the project launch in July 2017 and opening of Dawlish SANGS in September, attention has shifted to focus on delivery of on site events, further work in developing content for the website and involvement in codes of conduct work.

2.7 Membership of Devon Loves Dogs now stands at 100, with continuing efforts aimed at encourage new members via on site “pit stops”, website and social media presence.

2.8 **Table 5**, below, illustrates the events, number of membership packs distributed and number of people engaged with from July 2017.

Event name	Date	Location	Packs distributed	People spoken to
Heath Week Festival	23/07/17	Woodbury (Pebblebed)	55	80
Guided Walkies	29/07/17	Woodbury (Pebblebed)	47	56
Marvelous Day on the Maer	04/08/17	Maer (Exmouth)	45	76
Dawlish SANGS opening	04/09/17	Dawlish SANGS	94	109
Pit stop	28/09/17	Dawlish Warren	38	43
Guided Walkies	03/10/17	Dawlish SANGS	20	24
Killerton Cider Festival	14/10/17	NT Killerton	134	375
<b>Total</b>			<b>433</b>	<b>763</b>

## Devon Love Dogs - Social media

2.9 Month 28<sup>th</sup> October – 27<sup>th</sup> November 2017

- Page views – 606. Users – 220.
- Top pages visited: Homepage: 164. Join us: 105
- Acquisition: 124 direct to web address; 72 via social media; 49 “organic searches” (e.g. from a Google search); 25 “referrals” (links from other sites). Much more to be done about referrals though working with partners.
- “Bounce” rate (indicating people only visit one page before leaving the site) is high for people coming direct to the site (71%). This is not unusual with a new website, as content is being developed, especially news and events. However, for people visiting via social media, the bounce rate is considered to be more realistic at 50%.

**Other considerations:**

3.1 The 2017 Autumn budget was submitted on 22 November 2017. Chapter 5, concerned with Housing and Planning policy and reform, points to a forthcoming consultation by the Department for Communities and Local Government (DCLG) on a number of issues related to developer contributions.

3.2 Of particular interest is the intention to consult on “removing restriction of Section 106 pooling towards a single piece of infrastructure where the Local Authority has adopted CIL, in certain circumstances such as where...significant development is planned on several large strategic sites. This will avoid the unnecessary complexity that pooling restrictions can generate.”<sup>8</sup>

3.3 Depending on the outcome of the proposed consultation by DCLG, removing the restriction on S106 pooling towards items of infrastructure (such as Suitable Alternative Green Space (SANGS)) may realise significant benefits for the partner authorities. Specifically, this has the potential to relieve some of the issues concerned with Community Infrastructure Levy expenditure and the necessity (and cost) of prioritising SANGS delivery ahead of other infrastructure.

3.4 Any future changes or progress in this regard will be reported in further updates to the Executive Committee as a matter of course.

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

**South East Devon**  
**Habitat Regulations**  
**Executive Committee**  
**January 2018**

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<sup>8</sup> *Autumn Budget 2017 – 5.14, Page 61.*

Natural England comment:





SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

## *Risk Register Report*

Neil Harris, Habitat Regulations Delivery Manager  
January 2018

Legal comment/advice

There are no legal implications requiring comment.

Finance comment/advice:

No additional finance comment required.

<b>Public Document:</b>	Yes
<b>Exemption:</b>	None
<b>Review date for release</b>	None

## Recommendations.

It is proposed that the Executive Committee:

1. **Notes the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with delivery of the South-east Devon European Site Mitigation Strategy.**
2. **Notes the control measures in place to mitigate the risks identified.**
3. **In receiving this report, notes implementation of the “Habitat Mitigation 17/18 Audit” report recommendation.**
4. **Receives an updated Risk Register report in 6 months.**

Equalities impact: Low

Risk: Medium.

Although none of the risks on the register are listed as severe, there remain a number of risks which have the potential for high strategic and operational impact, if not carefully addressed. Continued partnership working and keeping updated on changes in the operational environment will assist in mitigating these risks. Continued and effective delivery of the Strategy and the development this enables remains of very high importance to all partners.

## Summary

1.0 As reported separately<sup>1</sup>, a recent audit of the governance and financial arrangements for the South East Devon Habitat Regulations Executive Committee (SEDHREC) recommended the presentation of a risk register.

1.1 As part of the project development of the South-east Devon European Site Mitigation Strategy (“the Strategy”), a detailed risk register (see Appendix A) is used to take account of the various categories of risk that exist or emerge in all elements of the Strategy. This was developed as part of a set risk management process.

1.2 It is important to note that the purpose of a risk register is to record the details of all risks that have been identified along with their analysis and plans for how those risks will be treated. It does not necessarily mean that the risks will be realised or are expected to occur (unless specifically noted).

1.3 The purpose of the report is to update members of SEDHREC on the status of the risk management register and the status of risk management across the partner authorities at this time.

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<sup>1</sup> *Audit Report – South West Audit Partnership, January 2018*

## Identifying Risks

2.0 Risk is categorised in relation to the aims and objectives of SEDHREC (i.e. delivering the Strategy). The main categories used in this register are:

- Strategic;
- Operational;
- Financial;
- People;
- Regulatory;
- Governance.

2.1 Strategic: This considers external risks which may affect the aims and objectives of SEDHREC - such as changes in the environment within which it operates.

2.2 Operational: This considers the risks which arise from the services delivered or the activities carried out.

2.3 Financial: This section considers any potential financial risks facing the organisation in terms of internal systems, planning, funding, etc.

2.4 People: These risks are associated with the employment of staff and the involvement of volunteers.

2.5 Regulatory: These risks consider the legislative framework within which SEDHREC operates.

2.6 Governance: This section identifies the risks which are part of the management of SEDHREC.

There may be a degree of overlap between some of these categories.

## **Classification**

3.0 In addition to the identification of risks as outlined above in 2.0 – 2.6, risks to the successful implementation of the Strategy are also categorised. The probability of a risk occurring and the potential impact of that risk is assessed and recorded on a scoring matrix (see Appendix B). This assigns categories accordingly:

- **Minor** (1 to 4)
- **Moderate** (5 to 8)
- **Major** (9 to 12)
- **Severe** (13 to 16)

3.1 The matrix shown in Appendix B illustrates that there are currently no assessed risks classified as Severe.

3.2 However, there are 6 assessed risks classified as Major for their potential impact and probability of occurring. They are:

- Landowner decides not to sell land for SANGS Opportunity (South West Exeter).
- Partnership unable to identify appropriate model for ongoing management of Strategy in perpetuity.
- Delays to mitigation measures identified in annual business plans
- HREC decisions not implemented at local level.
- Proposed SANGS at Cranbrook do not meet essential criteria.
- Habitat Regulations watered down / abolished following exit from European Union.

3.3 Mitigation of each of these identified risks are described within the risk register itself (see Appendix A). The register is updated on a regular basis and, in accordance with the recommendation in the “Habitat Mitigation 17/18 Audit” review, will be reported to SEDHREC every 6 months.

3.4 Should any risk to delivery of the Strategy be assessed as Severe at any stage, this will be reported to the Officer Working Group and SEDHREC as and when necessary.

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

**South East Devon**  
**Habitat Regulations**  
**Executive Committee**  
**January 2018**

Natural England comment:

## Habitat Regulations Executive Committee

### Appendix A: Risk Register as at January 2018

ID	Description	Category	Probability	Impact	Proximity	Response Category	Response	Risk Status	Risk Owner	Risk Actionee
1	Landowner decides not to sell land for SANGS Opportunity (SWE)	Strategic	Medium	High	Within stage	Avoid	Maintain communication with landowners/developers. Expedite agreement of terms and sign contracts.	Active	TDC	TDC
2	Partnership unable to identify appropriate model for ongoing management of Strategy in perpetuity.	Strategic	Medium	High	Within stage	Reduce	Work underway @ TDC to understand learning outcomes from delivery of Dawlish SANGS and cost implications for SWE. Initial negotiations held with The Land Trust to explore in-perpetuity (endowment) costs.	Active	Partner LPA / HRDM	TDC/ECC/EDDC
3	Proposed SANGS at Cranbrook do not meet essential criteria.	Strategic	Medium	High	Within stage	Fallback	Appropriate input from EDDC planning dept. & liaison with Consortium to ensure proposed SANGS meet required standards. Liaise with NE to understand their position. Planning permission for expansion areas cannot be given until this key requirement is met.	Active	Consortium / EDDC	Consortium / EDDC
4	Habitat Regulations watered down/abolished following exit from EU	Regulatory	Medium	High	Within stage	Accept	Keep up to date with changes to legislation. Plan contingency response as part of Strategy review.	Active	HRDM	TDC/ECC/EDDC

5	Delays to mitigation measures identified in annual business plans	Operational	High	Medium	Within project	Reduce	Ensure regular contact with site/land managers to identify causes of delay and revised completion dates. Work with stakeholders to minimise delays and identify remedial action if necessary. Notify Offer Working Group (OWG) and HREC via quarterly progress reports.	Active	HRDM	HRDM/ Stakeholders
6	HREC decisions not implemented at local level.	Strategic	Medium	High	Within stage	Reduce	Close liaison with LPA Planning Delivery Officers to ensure good working relationship and understanding shared issues. Training for LPA staff with presentations reemphasising importance of implementing Strategy to whole Council. New/updated briefings to Members and leadership.	Active	Partner LPA / HRDM	Partner LPA / HRDM
7	Housing market crash.	Financial	Medium	Medium	Within stage	Accept	Technically, fewer houses mean fewer impacts and therefore less mitigation is required. However, potential impact to longer term measures which are forward funded in expectation of future developer contributions. Understand how many dwellings are still to contribute & review costs.	Active	Partner LPA / HRDM	Partner LPA / HRDM
8	Insufficient funding to contribute to Dawlish Warren Visitor Centre	Financial	Medium	Medium	Within project	Reduce	Increased frequency of housing forecasts to signal any changes to income. Reprioritise projects to accommodate if appropriate. Seek forward funding if necessary. Keep project manager/s informed of forecasts.	Active	HRDM	HRDM
9	Developer contributions not paid	Financial	Medium	Medium	Within stage	Reduce	LPA planning departments responsible for ensuring contributions are paid. Enforcement measures available if not paid.	Active	Partner LPA	Partner LPA



10	Expiration of planning obligations/repayment of contribution to developers	Financial	Medium	Medium	Within stage	Reduce	LPA planning departments responsible for monitoring status of planning obligation compliance & expiration. Ongoing review of financial monitoring data from LPAs by accountants and HRDM. Expirations identified in advance and prioritised for payment.	Active	Partner LPA / HRDM	Partner LPA / HRDM
11	Users refuse to respect Wildlife Refuges	Operational	Medium	Medium	Within project	Reduce	HMO presentations to user groups prior to start of peak season. Signage and interpretation design work to commence early 2018. Monitoring of WRs. If no other option following 3 year period, investigate statutory restrictions.	Active	HRDM	HRDM
12	Loss of experienced staff	People	Medium	Medium	Within project	Fallback	Ensure good understanding of Strategy within existing team. Communicate approach, aims and objectives widely across 3 authorities. Ensure attendance at officer workshops.	Active	HRDM	HRDM
13	Inability to source a Patrol Boat within budget	Financial	Medium	Medium	Within stage	Fallback	Make use of experienced staff to source Pboat of sufficient quality/attributes. Delay purchase until after peak season. Test boat before purchase. Explore part funding opportunities.	Active	HRDM	HRDM
14	Patrol Boat/4x4 accident/vandalised	Operational	Medium	Medium	Within project	Reduce	Mandatory job related training. Vehicles insured and stored according to Council policy.	Active	HRDM	HRDM
15	Poor turnout of user groups for codes consultation	Operational	Medium	Medium	Within stage	Reduce	Good promotion of consultation via EEMP contacts and social media. Work with user groups to ensure ownership and involvement, respond to requests from users.	Active	HRDM	HRDM

16	Amounts charged per dwelling insufficient to deliver all projects in Strategy	Financial	Low	High	Within project	Reduce	Recent review of developer contribution rates completed - changes at LPAs in progress. Ongoing review of Strategy cost estimates and number of dwellings contributing mitigation payments. Investigate potential in-perpetuity agreement tender process.	Active	HRDM	HRDM
17	One of the partner authorities withdraws from approach	Strategic	Low	High	Within project	Avoid	HRDM to continue to work closely with each partner. Understand needs, expectations, budgets. Ensure delivery of key projects to demonstrate benefits to all. Promote positive PR messages.	Active	Partner LPA / HRDM	Partner LPA / HRDM
18	Quantum of SANGS required increases significantly	Strategic	Low	High	Within project	Avoid	We have an agreed Partnership SANGS Strategy. Continue work on delivery of identified and prioritised sites. Monitor effectiveness of delivered sites. Increase emphasis on developer provision of SANGS, reduce LPA burden, continue investigation of Land Trust-type model.	Active	HRDM	HRDM / GI Officer
19	Inability of Partnership to acquire sufficient land at acceptable cost to qualify as SANGS.	Strategic	Low	Medium	Within project	Reduce	Cost effective SANGS procurement at SWE. Change of approach to developer provided SANGS as a pre-requisite for larger developments. Individual applications to continue financial payments toward LA SANGS, etc. Potentially more concern for GESP.	Active	HRDM	TDC/ECC/EDDC
20	Insufficient funding to employ HMOs / DLD after initial term	Financial	Low	Medium	Within project	Reduce	Strategy review identified ongoing funding for Habitat Mitigation Officers. Increased frequency of housing forecasts to signal any changes to income. Reprioritise projects to ensure continuity accordingly.	Active	HRDM	HRDM

21	Unable to retain staff (Habitat Mitigation Officers/Project officer (dogs))	People	Low	Medium	Within stage	Fallback	Ensure effective line management via regular one to one meetings & appraisal. Identify opportunities for training and professional development. Ensure involvement in a variety of workstreams. Salary and job roles considered relatively attractive in comparison with similar positions.	Active	HRDM	HRDM
22	Dog bins/signage/notices vandalised	Operational	Medium	Low	Within project	Fallback	Identify/allow for replacement as per Strategy and PBH VMP.	Active	HRDM	Stakehdrs / HRDM
23	Accident/injury at work (Habitat Mitigation Officers & Project Officer (Dogs))	People	Low	Medium	Within project	Avoid	Mandatory job related training (First Aid at Work, Sea Survival, Boat Handling etc), insurance. Post holders to read, understand and abide by EDDC H&S policy requirements. No lone working.	Active	HRDM	HRDM
24	Inappropriate behaviour at work (Habitat Mitigation Officers & Project Officer (Dogs))	People	Low	Medium	Within project	Avoid	Clear direction on desired approach from stakeholders. Regular 1:2:1 meetings with line managers. Post holders to read, understand and abide by EDDC Behaviours Framework policy requirements.	Active	HRDM	HRDM
25	Poor staff performance	People	Low	Low	Within stage	Reduce	Regular 1:2:1 meetings with line managers. Clear direction on desired approach from stakeholders. Clear job description and person specifications. Sufficient work and variation in work to motivate staff. Recognition of success and learning from failure.	Active	HRDM	HRDM
26	Change in line management for Habitat Mitigation Officers & Project Officer (Dogs)	Operational	Low	Low	Within project	Fallback	Handover meeting with EDDC Countryside & HRDM. Monthly one to one meetings with HMOs & PO(D) to review and agree objectives. HRDM to undergo relevant training.	Active	HRDM	HRDM

27	Change in (voting) Committee Member/s	Governance	Medium	Low	Within project	Accept	Ensure broad understanding of Strategy across the authorities - Members newsletters, media releases etc. Ensure new Member/s receive full briefing and access to previous reports.	Active	HRDM	HRDM
	<b>Risks - Inactive status</b>									
1(i)	Failure to reach agreement on funding SANGS	Strategic	Medium	High	Imminent	Avoid	Cross authority officer workshop. Agree criteria. Clarify SANGS Strategy approach/requirements. Identify accurate costs (purchase, uplift, manage), delivery models, quality, timeframes, outcomes for each area.	Inactive	HRDM	Group



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

## Habitat Regulations Executive Committee

### Appendix B: Risk Register – Scoring Matrix

Risk categorisation		
	<b>SEVERE</b>	13 to 16
	<b>MAJOR</b>	9 to 12
	<b>MODERATE</b>	5 to 8
	<b>MINOR</b>	1 to 4

<b>PROBABILITY &gt;</b>	<b>Probable</b>		Delays to mitigation measures identified in annual business plans <b>8 MAJOR</b>				
	<b>Possible</b>		Insufficient funding to contribute to Dawlish Warren Visitor Centre <b>7 MODERATE</b>				
			Housing market crash <b>7 MODERATE</b>				
			Users refuse to respect Wildlife Refuges <b>7 MODERATE</b>				
			Developer contributions not paid <b>6 MODERATE</b>				Landowner decides not to sell land for SANGS Opportunity (SWE) <b>10 MAJOR</b>
			Expiration of planning obligations / repayment of contribution to developers <b>6 MODERATE</b>				Partnership unable to identify appropriate model for ongoing management of Strategy in perpetuity. <b>10 MAJOR</b>
			Loss of experienced staff <b>6 MODERATE</b>				Proposed SANGS at Cranbrook do not meet essential criteria. <b>8 MAJOR</b>
			Poor turnout of user groups for codes consultation <b>5 MODERATE</b>				Habitat Regulations watered down / abolished following exit from EU <b>8 MAJOR</b>
	Change in (voting) HREC Member/s <b>5 MODERATE</b>	Inability to source a Patrol Boat within budget <b>5 MODERATE</b>	HREC decisions not implemented at local level. <b>8 MAJOR</b>				
	<b>Unlikely</b>		Partnership unable to acquire sufficient SANGS at acceptable cost. <b>4 MINOR</b>				
			Dog bins vandalised <b>2 MINOR</b>			Patrol Boat/4x4 accident/vandalised <b>4 MINOR</b>	
	<b>Rare</b>		Insufficient funding to employ HMOs / DLD after initial term <b>3 MINOR</b>				
			Unable to retain staff <b>2 MINOR</b>			Amounts charged per dwelling insufficient to deliver all projects in Strategy <b>7 MODERATE</b>	
			Poor staff performance <b>1 MINOR</b>			Staff injury <b>2 MINOR</b>	One of the partner LPAs withdraw from approach <b>7 MODERATE</b>
			Change in line management for HMOs & DLD <b>1 MINOR</b>			Inappropriate staff behaviour at work <b>2 MINOR</b>	Quantum of SANGS required increases significantly <b>7 MODERATE</b>
		<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>		
	<b>IMPACT &gt;</b>						