

Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Civic Centre, Exeter, on Friday 20 April 2018

Attendance list at end of document

The meeting started at 2.05pm and ended at 3.05pm.

***20 Public speaking**

The Chairman, Cllr Rachel Sutton, welcomed everyone present to the meeting. There was one member of the public present, Jane Evans, who asked the following questions:

- I attended the SEDHR Executive Committee meeting on 24 January 2018 and observed the decisions made by the committee. Please can you explain why the committee chose to “note” the findings of the audit report, but made no commitment to act on its findings. By contrast the committee chose to accept the findings of the risk assessment review. Why did the committee not decide to implement the recommendations of the audit report? Are minutes taken of the Officer Group?

Neil Harris, Habitat Regulations Delivery Manager responded, that the audit report made clear that it had been carried out by EDDC for their own purposes. The report was presented to the partner authorities so that they may have confidence in the governance and finance arrangements. All the findings in the audit report had been incorporated into the reporting style and content. Minutes had not been taken of the Officer Group to date but will be in future.

- It is noted from the agenda that it is proposed to install marker buoys in the Exe estuary. Please advise under which statutory legislation or byelaws this will be undertaken.

Neil Harris, Habitat Regulations Delivery Manager responded, that ECC did not require a licence to deposit marker buoys in the estuary as Harbour Authority. The Marine Management Organisation (IMMO) and Trinity House would be notified.

- Please advise whether any assessment has been made of the potential environmental impact of the proposed buoys in the Exe estuary. If so please can it be made public and information provided on where it can be located.

Neil Harris, Habitat Regulations Delivery Manager responded, that the position of the buoys will require consent from Natural England, which would be sent in due course; this could be shared with the public. The Harbour Authority would then grant consent. It was possible that the consent of Natural England could be made available to the public at the next meeting of the committee.

- Who will have responsibility for the ongoing maintenance of the buoys and under which budget?

Neil Harris, Habitat Regulations Delivery Manager responded, that as part of the mitigation strategy, the cost would be met from this budget and included in annual business plans going forwards.

***21 Declarations of interest**

There were none.

***22 Financial Report**

The Executive Committee considered the Habitat Regulations Delivery Manager's report which sought to update members of the Executive Committee on the overall financial position of the developer contributions received by the partner authorities as mitigation payments towards measures identified in the South East Devon European Mitigation Strategy.

In response to a request from Cllr Phil Twiss for more information on the provision of the patrol boat following interest from the public, (delivery of which was expected at the end of June), the Habitat Regulations Manager confirmed that he would provide more information. He also confirmed that software was used to monitor S106 contributions, which had been provided through Strata and was available to all three authorities.

RESOLVED:

- 1. that the update on the overall financial position, including contributions received, expenditure and anticipated contributions (from signed S106), be noted.**
- 2. that an update on 5 year income forecasts of develop contribution receipts be received at the HREC meeting in October 2018.**
- 3. that the Committee note the expenditure against budget for the 2017-18 Annual Business Plan and reasons given for any variation.**

***23 2017-18 Annual Business Plan**

The Executive Committee considered the Habitat Regulations Delivery Manager's report, which was an update on the progress made in delivery of new mitigation measures set out in the 2017-18 Annual Business Plan and ongoing measures from the 2016-17 Plan. It was important that progress continued 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.

In response to a question regarding the number of homes that had been given planning permission, the Habitat Regulations Delivery Manager reported that a future report would be provided to the Committee on the number of homes granted permission and the contribution these homes would make to mitigate impacts on the protected sites. Ed Freeman, Strategic Lead Planning Strategy and Development Management (EDDC), reported that the number of homes built was known and their contribution to CIL income. Between the three local authorities involved it should be possible to provide details of this information.

RESOLVED:

- 1. that the progress made towards delivering the 2016-17 and 2017-18 Annual Business plans be noted;**
- 2. that changes to the operational year as specified in the 2017-18 Annual Business Plan be noted.**

3. that the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates be noted.
4. that the Committee receives a further report on the deployment and implications of the Housing Infrastructure Fund (HIF) award.
5. that the committee receives a further report on in-perpetuity arrangements in relation to Dawlish and South West Exeter SANGS.
6. that the housing delivery against the targets for each partner authority should be reported annually.

*24 **2018-19 Annual Business Plan**

The Executive Committee considered the Habitat Regulations Delivery Manager's report, which set out the principles for the on-site projects, which had been recommended as a priority by the Habitats Regulations Delivery Officer, in conjunction with the Officer Working Group. The Delivery Manager reported that due to the recent adverse weather it had not been possible for the Officer Working Group to formerly to meet to discuss the Plan.

In response to a question, the Delivery Manager reported that the 5-year Delivery Programme would be reviewed every 5 years. However, the Annual Business Plan was considered to offer the a flexibility to interpret the 5 Year Delivery Programme.

RESOLVED:

1. that the 2018-19 Annual Business Plan and commitments and action contained therein be approved.
2. that the changes to the operational year as specified in the report be noted.
3. that a progress update be received on the delivery of the Annual Business Plan at the next meeting (quarterly basis).

Attendance list

Committee Members:

Cllr Rachel Sutton, 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
Ed Freeman, Strategic Lead Planning Strategy and Development Management (EDDC)
Chris Lane, Democratic Services (EDDC)
Fergus Pate, Principal Growth Point Officer (TDC)
Peter Hearn, Strategic Infrastructure Planning (ECC)
Peter Lacey, Green Infrastructure Board
Amanda Newsome, Natural England
Andy Wood, East of Exeter Projects Director (EDDC)

Apologies:

Simon Davey, Strategic Lead – Finance (EDDC)
Tabitha Whitcombe, Democratic Services, (EDDC)