



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

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Agenda for South and East Devon Habitat Regulations Executive Committee Thursday, 27th January, 2022, 2.00 pm

Members of South and East Devon Habitat Regulations Executive Committee

Councillors R Sutton, M Wrigley and G Jung

Venue: Council Chamber, Teignbridge District Council, Forde House, Brunel Road,
Newton Abbot TQ12 4XX

Contact: Debbie Meakin 01395 517540; email dmeakin@eastdevon.gov.uk
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19 January 2022

Please note: The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

1 Public speaking

There is a fifteen minute period for members of the public to ask questions. Each speaker is restricted to three minutes. Members of the public are required to register to speak using publicspeaking@eastdevon.gov.uk or calling 01395 519970 at least 24 hours before the start of the meeting.

Where a question does not relate to an item on the agenda, and a response is required from a member or an officer, the question must be submitted in writing via publicspeaking@eastdevon.gov.uk not less than two working days before the meeting.

2 Minutes of the previous meeting held on 28 October 2021 (Pages 3 - 6)

3 Apologies

4 Declarations of interest



Exeter
City Council

Teignbridge
DISTRICT COUNCIL
South Devon

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt items

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 **Habitat mitigation team updates** (Pages 7 - 12)

8 **East Devon Pebblebed Heaths annual monitoring report** (Pages 13 - 24)

9 **Exe Estuary wildlife refuges - next steps** (Pages 25 - 33)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Council Chamber, Teignbridge District Council on 28 October 2021

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.03 pm

69 Public speaking

There were no members of the public registered to speak.

70 Minutes of the previous meeting held on 29 April 2021

RESOLVED

The Minutes of the SEDHREC held on 29 April 2021 are confirmed as a true record and be signed by the Chair.

71 Declarations of interest

Cllr Martin Wrigley: Minutes 74 to 79: Personal Interest: His house overlooks the estuary, and he is a member and Treasurer of Cockwood Boat Club.

Cllr Geoff Jung: Minutes 74 and 79: Personal Interest: He is a board member of the Pebblebed Heaths NNR Advisory Board and also a member of Woodbury Parish Council, the area of which includes part of the pebblebed heath and marsh.

72 Matters of urgency

There were no matters of urgency.

73 Confidential/exempt items

It was agreed that Agenda item 13 be taken in private session. (Minutes 80 and 81 below refers)

74 Financial report update

Further to Minute 65 of the last meeting on 29 April 2021, additional information as requested was reported.

It was unanimously

Resolved that the Executive Committee:

1. Notes the updated information provided in the report for the variance reported in Table 6 of the April 2021 financial report;
2. Notes the itemised update of Table 6 in the report;
Reconsidered the April 2021 Finance report in light of the information provided.

75 Habitat mitigation team update

The agenda report provided a regular update from the habitat mitigation delivery team, detailing the initiatives, partnership working and day to day activities of public-facing staff. Continued and effective delivery of the Strategy and the development this enables remained of very high importance to staff and all partners.

The Executive thanked staff for their hard work in the effective delivery of the Strategy.

It was unanimously

Resolved that the Executive Committee:

1. Notes the updates provided by the Habitats Mitigation Officers and Devon Loves Dogs project co-ordinator;
2. Receives a further update at the next meeting of the Executive.

76 **Communications report**

The agenda report set out the KPIs identified around residents website use, signing up to newsletters, and social media engagement, including facebook, twitter and Instagram. Collecting this data on a monthly basis enabled officers to monitor and evaluate it to understand how project delivery, stakeholder engagement and communications efforts are impacting on our overall goals.

It was unanimously

RESOLVED that the Executive Committee:

1. Notes the results of the communications report for the period Feb 2021 – July 2021
2. Receives further reports on communications Key Performance Indicators every 12 months beginning April 2022.

77 **COVID-19 report**

The agenda report detailed the impacts from the Covid pandemic on protected sites and staff and operations, brought about by many factors including changes to the public's behaviour, an unprecedented high level of visitor pressure to protected sites, a significant increase in dog owners and leisure activities such as paddle boarding and boat users, an increase in anti-social behaviour towards staff, cessation of volunteers, and the general health risk to staff of Covid transmission.

It was unanimously

RESOLVED that the Executive Committee:

1. Notes the identification, categorisation and assessment of impacts to the protected sites as a result of the Covid-19 pandemic;
2. Notes the discussion of the impacts and considerations for future management of the sites.

78 **Exe Estuary wildlife refuges 3rd annual monitoring report**

The Chair welcomed Philip Saunders and Durwyn Liley from Footprint Ecology who presented the research work and findings on the monitoring of the wildlife refuges.

The Executive Committee approved wildlife refuges, at Exmouth from 15 Sept – 31 Dec and all year round at Dawlish Warren, in October 2017. No fines or enforcement were

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suggested or recommended and an annual monitoring programme, to report over a 3 year period.

The agenda report and the presentation from Philip Saunders evidenced that the refuges were being effective in reducing disturbance to water birds from recreational activities and positively contributed to the ability of the Exe Estuary to support designated bird populations in the Special Protected Area. It was recommended that the monitoring should continue as part of the mitigation measures, with a further report next year.

The full presentation can be found at https://teignbridge.public-i.tv/core/portal/webcast_interactive/611744

The pandemic had resulted in increased visitor pressure particularly from dog walkers and paddleboard users.

It was unanimously

RESOLVED that the Executive Committee:

1. Notes the results from the third annual wildlife refuge monitoring report;
2. Receives a future report in Jan 2022 proposing next steps for the refuges, to include: sewerage release, planting eel/sea grass, mussel collections, dog walkers' access arrangements and paddle board launching sites.

79 **Monitoring Framework**

The agenda report detailed proposals to create a new monitoring module on the South East Devon Habitat Regulations Partnership website dedicated to reporting progress with each of the elements noted in the Mitigation Monitoring Plans.

It was considered the webpages would assist the public in understanding the purpose of the mitigation measures, and that this would result in more visitors and users of the estuary abiding by the rules to protect the site and wildlife. It would also assist in increasing transparency of the work of the Partnership

It was unanimously

RESOLVED that the Executive Committee:

1. Supports preparation of monitoring webpages for the 2014 South east Devon Habitat Mitigation Strategy and 2016 East Devon Pebblebed Heaths Visitor Management Plan;
2. Delegates authority to the Habitats Regulations Delivery Manager to oversee development of the webpages;
Approves a budget of up to £2,000 to create the webpages.

80 **Exclusion of the Press and Public**

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

81 **Maternity cover**

Consideration was given to the agenda report.

It was unanimously

RESOLVED

The agenda report be approved.

Attendance List

Councillors present:

Cllr M Wrigley (Chair) TDC

Cllr R Sutton ECC

Cllr G Jung EDDC

Officers in attendance:

Jill Day, Principle Project Manager (Strategic Policy) Exeter City Council

Ed Freeman, Service Lead Planning Strategy and Development Management, EDDC

Fergus Pate, Principal Growth Point Officer Spatial Planning, TDC

Alison Slade, Natural England

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer), EDDC

Trish Corns, Democratic Services Officer, TDC

Chair

Date:



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Habitat mitigation team updates.

*Naomi Harnett,
Principal Projects Manager
East Devon District Council
January 2022*

Legal comment/advice

There is no direct legal comment to be made in relation to this update report.

Finance comment/advice:

There is no direct finance comment to be made in relation to this update report.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations.

It is proposed that the Executive Committee:

- 1. Notes the updates provided by the Habitat Mitigation Officers and Devon Loves Dogs project co-ordinator.**
- 2. Receives a further update at the next meeting of the Executive.**

Equalities impact: Low

Risk: Low.

The purpose of this report is to provide a regular update from the habitat mitigation delivery team. This enables the Executive Committee to maintain a good understanding of the initiatives, partnership working and day to day activities of public-facing staff. Continued and effective delivery of the Strategy and the development this enables remains of very high importance to all partners.

1 Habitat Mitigation Officers (HMOs)

- 1.1 This year's Wildlife Refuge season at Exmouth local nature reserve was the most positive we have had since the project began. So many visitors came to visit the engagement gazebo at the Duck Pond to talk about the estuary bird life and the uplift it has given them over the last couple of difficult years. Many mentioned how spending time on estuary nature reserves and seeing the influx of over-wintering birds has helped their wellbeing at the darkest time of the year.
- 1.2 The telescope has been a fantastic tool to enable visitor engagement and help with wildlife identification. The support of the watersports community – kites, paddleboarders and windsurfers - has been overwhelmingly inclusive. Anecdotally, I feel that we have observed far less disturbance to birds and a greater diversity of species within the Wildlife Refuge this year because of it.
- 1.3 Reaching the dog walking community is still challenging, simply because of the number of individuals who enjoying walking the shore - and the majority of refuge infringements have been dog walkers again this year - but teaming up with Julie (Devon Loves Dogs) at Duck Pond pop-ups has proven really beneficial.

- 1.4 The winter season sees ranger time split predominantly between estuary reserves. Whenever possible, rangers have been present at least twice a week on a receding tide at Exmouth Wildlife Refuge – as this is the tidal state at which waterbirds most benefit from undisturbed feeding. Dawlish Warren NNR is visited twice weekly and almost always on a Sunday when we are scheduled to work a weekend because of the visitor pressure experienced here RSPB Exminster & Bowling Green Marsh are visited at least fortnightly and the patrol boat is out on the Exe SPA as frequently as tide and weather conditions will allow (scheduled for at least once a week). Walking patrols are still performed on the Pebblebeds weekly, though are reduced in duration.
- 1.5 The team were pleased to welcome members of the Officer Working Group out on boat patrols during October and November, offering insight into our responsibilities on the water and the challenges birds face on over winter on the Exe estuary.
- 1.6 We led a walk with the South West Coast Path “Couch to Coast” initiative in early December, attended by 15 residents, talking about the project and bird life around the estuary and Pebblebed Heaths. This was really well received and an absolute pleasure to undertake.
- 1.7 In November 2021, after nearly 5 years of dedicated service with our team, we all wished Amelia well as she left to start her new role with EDDC Countryside. In December we helped to run some of the practical elements of the recruitment interviews and wish Trudi Righton (Amelia’s replacement) a fantastic start as she joins the team in early February 2022.
- 1.8 Sama is now working from home, populating the new South East Devon Wildlife website, which we hope to have functional by the end of January when she begins maternity leave. Interviews for someone to cover her maternity will take place in early February.

2. Devon Loves Dogs

2.1 Autumn has been another busy season for Devon Loves Dogs. Since my last update I have run 5 Waggy Walks, three with Kim Strawbridge, Reserves Manager at various locations across the Pebblebed Heaths, one at Morganhayes near Colyton with Rob Greenhalgh from Forestry England and one at Decoy Country Park with Teignbridge Ranger Jon Steward. All walks were well attended and great fun and we even had presents for dogs and mince pies for humans on our last walk before Christmas.

2.2 External events have remained pretty quiet, I was due to attend a Halloween event at Cranbrook Country Park but sadly this had to be cancelled due to the site being water logged, I did take the Devon Loves Dogs display along to the annual forum for the Friends of the Pebblebed Heaths and thoroughly enjoyed the range of presentations and had some interesting discussions with attendees about Devon Loves Dogs and the wider partnership.

2.3 My winter e-newsletter was sent out on 9th December to a total of 1164 recipients. This figure has grown by 95 since the previous newsletter sent on 30th September. Of the total recipients we saw a 58% open rate and a 10% click rate. The top link clicked was our YouTube video about dog etiquette, opened 32 times, followed by my visit to the Pebblebed Heaths, opened 21 times.

2.4 Membership of Devon Loves Dogs has also been growing steadily with an additional 44 people signing up in the same period, bringing the total to 839 currently.

2.5 Our main focus of work, in both my roles with DLD and as HMO has been over wintering birds around the estuary and so the bulk of our time has been spent at the Duckpond in Exmouth and at Dawlish Warren, with additional patrols at the RSPB Exminster marshes. This has been the first refuge season with both gazebos in use and we have found this approach of having a display, dog goodie bags, wildlife information and being able to let people view the wildlife through the scope has been hugely beneficial and encourages more interest and enthusiasm for the wildlife.

2.6 A couple of personal highlights for me have been the shared patrol boat visits with various members of both OWG and the wider Committee. After such a long period of time with limited face to face meetings it was a really great opportunity to meet up and enjoy the estuary together.

2.7 We were also fortunate enough to take part in a beaver training session with Devon Wildlife Trust and have a site visit of both the Lower Otter Restoration Project (LORP) and beavers on Clinton Devon Estates land. We are often asked about both of these subjects in our roles and after learning more about beavers it became apparent that the relationship between beavers, dogs and their owners is going to become a bigger issue in the countryside in the future.

2.8 A few indoor activities have taken place, including training in social media and website accessibility. The Devon Loves Dogs social media platforms have focussed on a range of issues that affect dogs and their owners including the wildlife refuges and fireworks. During December I shared member's festive photos of their dogs in a countdown to Christmas Eve. This proved popular, with lots of people engaging, particularly on Facebook which continues to work well for us in terms of interactions.

**South East Devon
Habitat Regulations
Executive Committee**

Natural England comment:

We note the update provided by the habitat mitigation team and would like to welcome Trudi as she begins her new role.



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

*East Devon Pebblebed Heaths annual monitoring
report.*

Kim Strawbridge,
Reserves Manager,
Pebblebed Heaths Conservation Trust

January 2022

Legal comment/advice:

There is no direct legal comment to be made at this time, each and any individual issue will need to be considered as it arises.

Finance comment/advice:

Any financial implications are set out in the report.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the Executive Committee:

1. Notes the comment and information presented in the report.
2. Receives future reports concerning the condition of the features of the East Devon Pebblebed Heaths on an annual basis.

Equalities impact: Low

Risk: Low. This report details the condition of the features of the East Devon Pebblebed Heaths (EDPH) in relation to the South East Devon European Site Mitigation Strategy. This is important because without robust and effective mitigation which enables the partner authorities to be certain of no net impact to protected sites, continued development as outlined in respective local plans and within 10km of the heaths is at risk of legal challenge.

1. Summary.

1.1 This report covers the period from 2016 to 2021, the first five years of strategy delivery. Data is collected by site teams across the EDPH annually in relation to Nightjar, Dartford warbler and Southern damselfly. Habitat condition data is collected periodically by Natural England in order for them to make condition assessments.

1.2 Nightjar monitoring effort is constant across the area of interest and covers almost all of the Special Protection Area (SPA). Data suggests that the number of territories remained broadly stable across the area during the five year period, close to the target value of 83.

1.3 Dartford warbler monitoring effort is constant across the area and covers most but not all of the SPA. The data for the period show significant fluctuation in population, with the number of territories dropping to just 25 in 2018, with a steady increase thereafter. The 2021 season returned a count of 173 territories across the surveyed part of the SPA, exceeding the target of 123. The sharp population decline in 2018 can be directly attributed to severe winter/spring weather.

1.4 Southern damselfly are monitored at three known locations on the EDPH. Their population has declined during the period but this is likely due to hydrological and ecological site changes that are not related to recreational pressure.

1.5 Habitat condition information for the north Atlantic wet heaths with cross-leaved heath and the European dry heaths is based on species composition and structure is collected by Natural England. These habitat features are assessed

against idealised favourable condition heathland targets. A complete assessment was carried out across the Special Area of Conservation (SAC) in 2021, with the report pending. This will be reported when available.

1.6 A wide range of factors can impact the condition of any given designated feature. Some may be linked to recreation and population increase in the local area (e.g. disturbance) whilst others may not (e.g. climatic change). In addition, factors can directly or indirectly impact a feature and there are often complex inter-relationships at play and cumulative effects. Where trends in data are clearly related to recreational pressure this is highlighted. However, it is not the purpose of this monitoring report to give an in-depth review of the success of the mitigation measures.

1.7 Annual monitoring by site management teams of the three SAC and SPA species will continue annually, with data being supplied to officers of the mitigation team each autumn for reporting. Habitat condition assessment information from Natural England to cover the habitat features will be included in these reports when available and is next expected in 2022.

1.8 Nightjars are relatively long-lived birds and although recent counts across the site suggest populations are stable, there may be hidden trends related to a reduction in breeding success due to disturbance. The value in gaining insight into the productivity of nightjars in addition to territory counts is highlighted for consideration. This would give confidence that the birds are indeed successfully fledging young in order to maintain the population in the long term.

2. Context.

2.2 Parts of the Pebblebed Heaths were first notified as a Site of Special Scientific Interest (SSSI) in 1952, and the various areas of heath were consolidated into the current SSSI of some 1,119 hectares (ha) in 1986. The site was then notified as a SAC in 1998, covering 1,119.94 ha. The primary reason for selection was the occurrence of north Atlantic wet heaths with cross-leaved heath (*Erica tetralix*), European dry heaths and the populations of southern damselfly (*Coenagrion mercuriale*).

2.3 Both the wet and dry heaths are listed as Annex I in the Habitats Directive and are considered to be of global importance, while the southern damselfly is listed under Annex II and the population is considered to be of national importance. The East Devon Heaths were classified a SPA in 1998, qualifying under Article 4.1 as the area regularly supports 2.4% of the UK population of breeding nightjar (*Caprimulgus europaeus*) (as at 1992), and 8% of the UK population of breeding Dartford warbler (*Sylvia undata*) (as at 1994). The SPA covers 1,119.94ha, matching the SAC boundary.

2.4 A UK wide Common Standards Monitoring programme is undertaken by the statutory conservation agencies with this judged against Favourable Condition Targets. This monitoring assesses the effectiveness of management of the features for which protected areas have been designated. . The SAC/SPA feature targets for the EDPH are given in Table 1.

Table 1: Relevant designated features on the Pebblebed Heaths and their targets

Designation	Feature	Requirement (target in designation)
SPA	Nightjar	83 territories across the area
	Dartford warbler	123 territories across the area
SAC	Southern damselfly	>80 counted across the populations
	Wet heath	Favourable condition assessment
	Dry heaths	Favourable condition assessment

2.5 A wide range of factors can impact the condition of any given designated feature. Some of these may be linked to recreation and population increase in the local area (e.g. disturbance) whilst others may not (e.g. climatic change). Whilst the mitigation Strategy seeks to mitigate the impact of the recreational activities of an increasing local population, it is important to recognise that other factors are also at play.

2.6 Whilst responsibility to deal with these other factors falls to site managers and owners, an awareness of them will assist with understanding the effectiveness of mitigation measures. Factors can directly or indirectly impact a feature and there are often complex inter-relationships and cumulative effects. Where trends in data are clearly related to recreational pressure this has been highlighted. However, it is not the purpose of this monitoring report to give an in-depth review of the success of the mitigation measures.

3. SPA features - results and discussion.

3.1 Nightjar

3.1.1 Coordinated nightjar monitoring has been carried out across the Pebblebed Heaths SSSI and other nearby areas since 2016. A standard methodology is followed, whereby each area is visited at least twice between June-July to record churring males. Visits are carried out at dusk. Locations of churring males are recorded on a map. From these records territories can be estimated.

3.1.2 The results from 2016 to 2021 are given in Figure 1 below. Monitoring effort has remained consistent except in 2020 when Bicton Common was not included. This accounts for the apparent reduction in number of territories that season. During 2016-2020 the number of territories has been close to 80 across the site. The number recorded for 2021 saw a slight reduction. This is in line with the picture elsewhere in the UK for this species and is believed to be due to the poor

weather conditions during the spring which would have coincided with their arrival from migration.

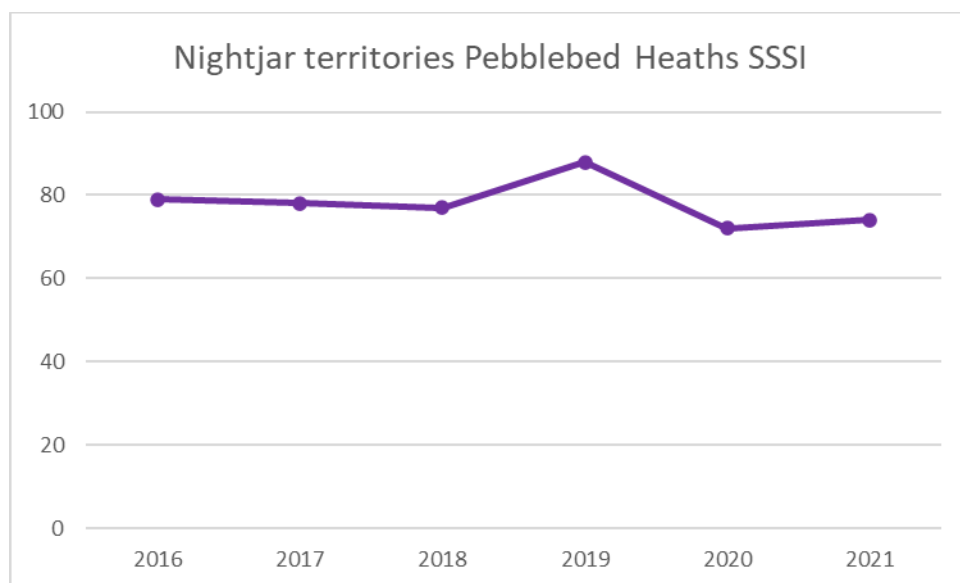


Figure 1: Graph to show recorded nightjar territories across the EDPH SPA from 2016-2021

3.1.3 The target for nightjar is 83 territories across the SSSI. Though the data suggests the SSSI has supported slightly less than this target value in recent years, except in 2019 with 88 recorded, it should be recognised that these birds also make use of the surrounding landscape. There is suitable habitat on non-designated heathland and plantations directly adjacent to the SSSI so fluctuation is expected.

3.1.4 Nightjars often favour nesting in recently clear-felled conifer plantations when these are associated with heathland. Thus, the felling and restocking cycles of adjacent woodland areas outside of the control of the Pebblebed Heaths can also influence counts on the heaths. Long term data sets are valuable in tracking population trends and so continuation of this monitoring is a priority.

3.1.5 Spatial data on territories is held by the managing organisations and can be made available for further analysis if required. In the 2016 Pebblebed Heaths Visitor Management Plan, a sub-set of data was used to explore whether territory selection was influenced by visitor pressure. At that time no clear trends were discernible to suggest that nightjar were deterred from nesting near to areas with high visitor use. Now that more extensive nightjar data is available there would be value in repeating this early modelling work. However, nightjars are long-lived and there may be underlying negative trends related to breeding success.

3.1.6 The current collection and analysis of data is good enough to track territory use across the heaths and modelling could explore territory selection in relation to visitor use. However, it is not able to give any insight into the productivity of these birds. Even if there is confidence that territory selection is not limited by visitor pressure (i.e. the birds are making use of the best quality habitat regardless of visitor use and not pushed into sub-optimal locations), this does not assess whether disturbance limits the breeding success of these pairs. It is possible that if nesting attempts fail to produce enough fledglings the population will become unsustainable and decline over longer periods. This may go undetected as other birds may move in to occupy empty territories, masking the real decline in the population.

3.2 Dartford warbler.

3.2.1 Data is collected by individual organisations with two different methodologies used. PHCT use a playback survey method, while RSPB record Dartford warblers as part of their general breeding bird surveys. For continuity over time, organisations will continue to use their existing methods in place on the parts of the site they manage. It is not recommended that one or other change method. Surveys are carried out annually, between late March and May. Signs of probable breeding are recorded as a territory (displaying male, pair or bird collecting nesting material). Devon Wildlife Trust do not formally collect annual data for Bystock or their part of Venn Ottery Common. No data is available for Lypstone Common which is in private ownership.

3.2.2 The results from 2016 to 2021 are given in Figure 2 below. In the breeding seasons of 2016 and 2017, territories hovered at 100 across the site with this having recovered from a very significant crash related to a particularly harsh winter in 2009. The population then crashed again to just 25 territories in 2018. Since 2018 this species has steadily increased, with 2021 returning a count of 173 territories across the surveyed part of the SSSI. The target for Dartford warblers is 123 territories across the SSSI. This is currently being exceeded.

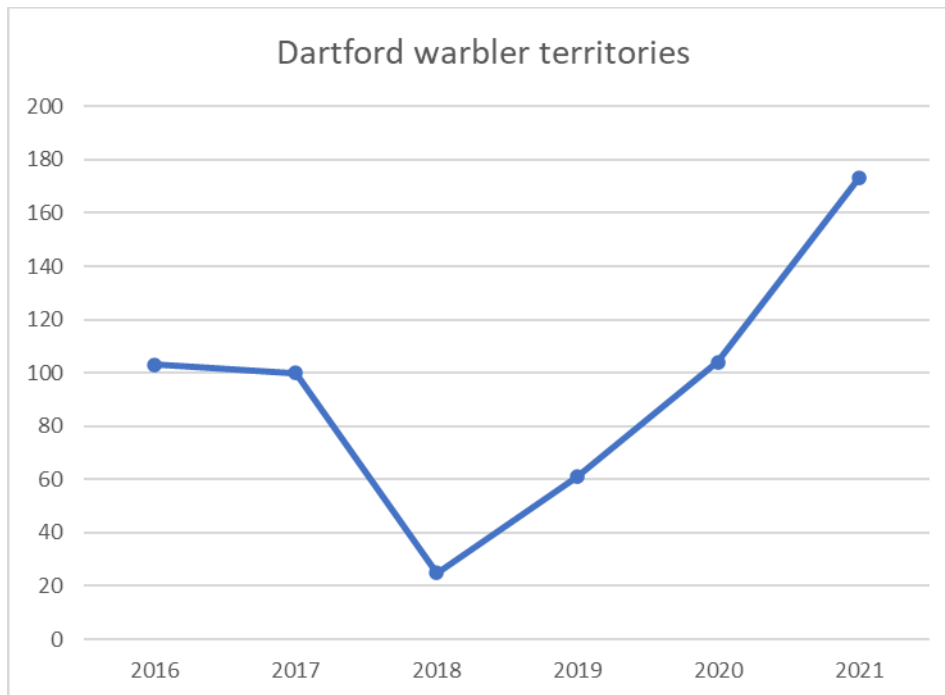


Figure 2: Graph to show Dartford warbler territories across the EDPH SPA from 2016-2021.

3.2.3 The population crash in 2018 can be directly attributed to poor weather in spring 2018, the 'beast from the east'. The prolonged cold weather and heavy snow fall resulted in poor winter survival. As a species at the north of its range, and resident during the winter, it is widely accepted that these birds are vulnerable to severe winter conditions, with winter survival being one of the greatest limiting factors to this species.

3.2.4 Given favourable conditions Dartford warblers are able to recover rapidly, as shown during this time period. To enable recovery, it is crucial that available habitat is in the best possible condition to provide cover and foraging opportunities, and that birds can nest and raise young without disturbance. Given the right conditions a pair can raise two, or on occasion, three broods. Pairs that rear late first broods are known to have both fewer broods and fewer successful broods, leading to significantly fewer chicks being fledged per pair.

3.2.5 With respect to the objectives of the mitigation Strategy, it is vital that increasing recreational pressure does not impact their ability to recover from these inevitable severe weather events, either directly through disturbance, or indirectly through reducing the quality of the habitat. It is encouraging to see that during the reporting period the Dartford warbler population recovered strongly after the 2018 weather event, indicating that recreational pressure is not limiting the species ability to thrive on the Pebblebed Heaths. Our spatial data indicate that the species is also recolonising part of the heaths that was destroyed by a wildfire in 2010.

3.3 Southern damselfly.

3.3.1 There are three distinct colonies of southern damselfly on the EDPH. During May-July visits are made during optimal weather conditions in the middle of the day (at least 17°C, sunshine and light wind) and the total number of southern damselflies recorded.

3.3.2 The results from 2016 to present are shown in Figure 3 below. The graph illustrates the maximum count for each season at each location to allow comparison. The population on Colaton Raleigh remains consistently low with numbers in single figures. Venn Ottery shows a recent decline. Aylesbeare, while greater in number, shows a degree of fluctuation and an overall decline. The total for the EDPH shows a general decline, however, it still exceeds the target of >80 counted across the site, with a total max count of 128 in 2021.

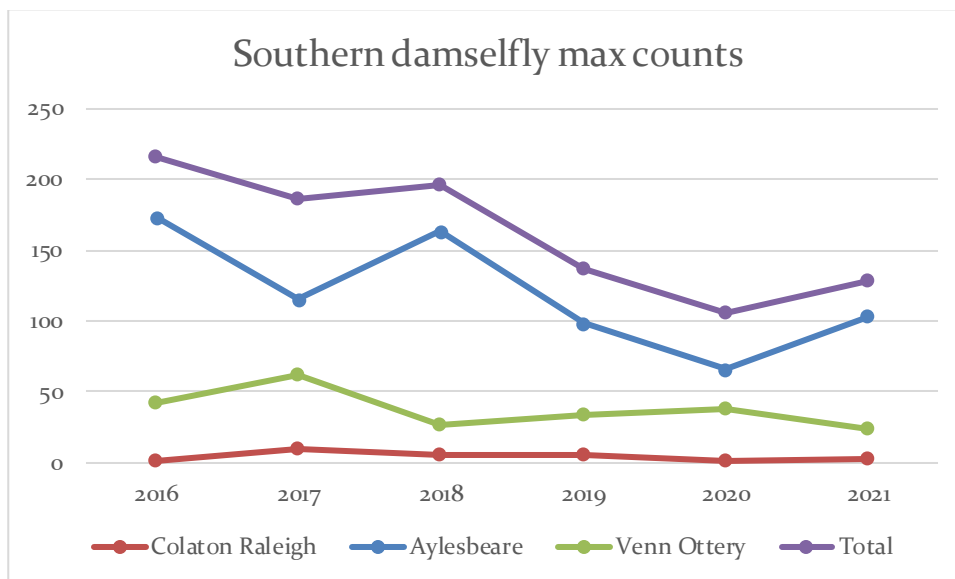


Figure 3: Graph to show southern damselfly maximum count for each season from 2016-2021 across the three known colonies on the SAC

3.3.3 The decline in the southern damselfly population is an ongoing challenge for site management teams. These insects are particularly sensitive, with very specific habitat requirements. Water temperature and habitat attributes that relate to vegetation structure and physical features of watercourses are widely accepted as having the greatest impact on this species ability to thrive. Various changes have been made to management of the Colaton Raleigh mire in an attempt to address this decline, focusing on grazing and hydrology.

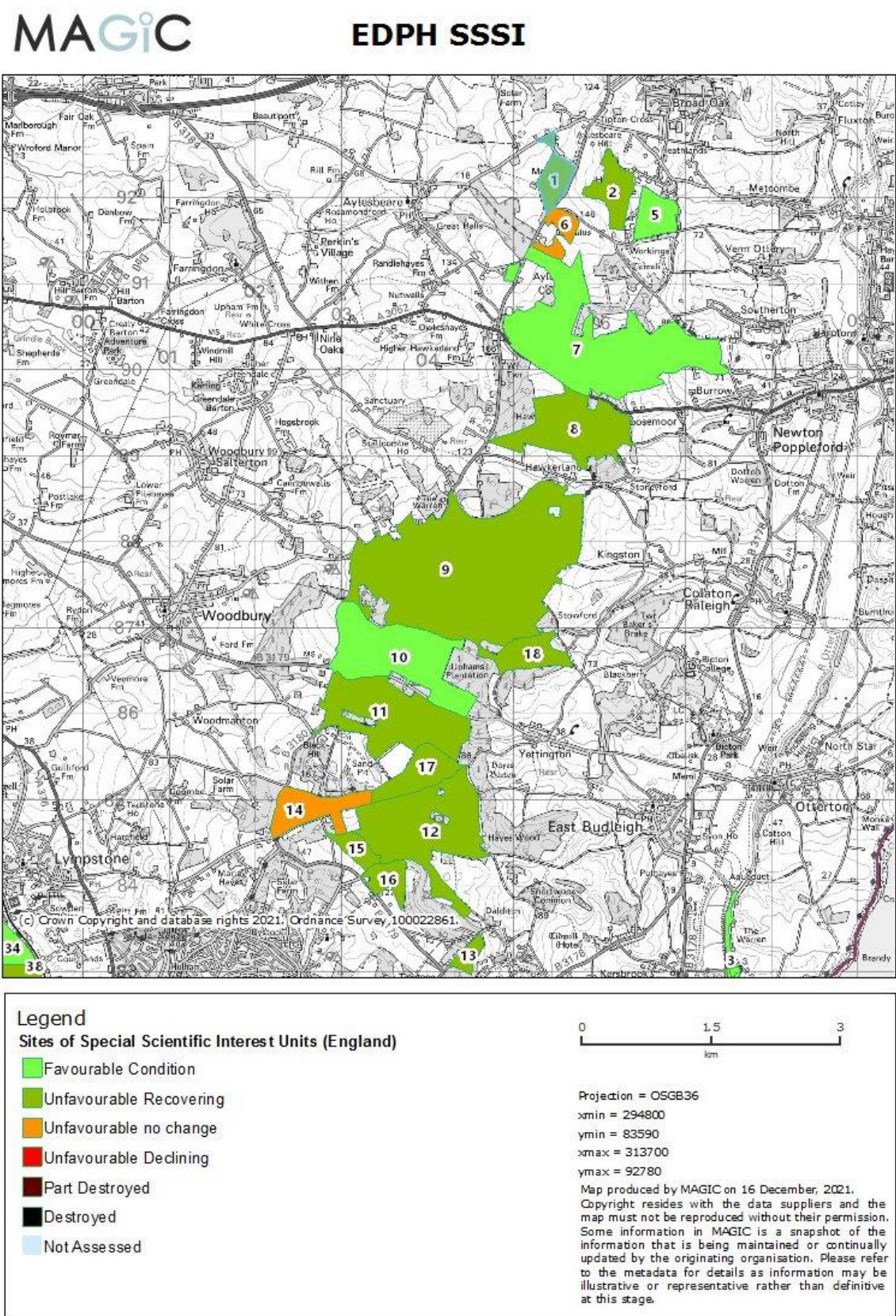
3.3.4 There is no evidence to imply a direct link at this time between recreational pressure and the decline of southern damselfly shown by the data. As such this remains a matter to be dealt with by site management teams and is beyond the remit of the mitigation Strategy. Should direct or indirect impacts of recreation come to light, this will of course be raised.

3.4 North Atlantic wet heaths with cross-leaved heath and European dry heaths.

3.4.1 Habitat condition is monitored by Natural England in order to make condition assessments approximately every 6 years, using common standards monitoring. This then informs habitat management on sites with recommendations made by Natural England.

3.4.2 A condition assessment of the EDPH was carried out in 2021 but the results are not yet available. When this information is available, relevant information linked to recreational pressure can be pulled out for review by mitigation officers. The last condition assessments for units in the designated area were carried out in 2012 and/or 2017, Map 1 below shows the overall condition assessment for these units at that time. Detailed feedback from these assessments focuses on habitat management linked to grazing, tree cover and vegetation structure post fire, rather than specific impacts of recreation.

Map 1: Overall habitat condition assessment



4. It is recommended that future monitoring reports concerning the EDPH are provided to the Executive Committee on an annual basis for information. Any significant issues within the remit of the mitigation Strategy arising in the interim will be reported as and when necessary.

**Kim Strawbridge,
Reserves Manager,
Pebblebed Heaths Conservation Trust**

January 2022

Natural England comment:

Thank you to Kim for a useful summary of the data for the SPA and SAC species. As noted in the report, the results of the Natural England condition assessment of habitat condition are currently awaited. These will allow the map of SSSI condition on page 11 of the report to be updated. If the findings of the condition assessment have implications for site management in relation to recreational impacts, we recommend this is considered by the Officer Working Group and, if needed, a further report for the Executive is submitted.



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Exe Estuary wildlife refuges – next steps.

Naomi Harnett,
Principal Projects Manager,
East Devon District Council

January 2022

Legal comment/advice:

There is no direct legal comment to be made at this time, each and any individual issue will need to be considered as it arises.

Finance comment/advice:

Any financial implications are set out in the report.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the Executive Committee:

1. Notes the outcome of discussions from the officer working group relating to the performance of the wildlife refuges.
2. Keeps the refuges in place and receives annual monitoring reports following the vantage point count methodology as outlined in the Exe Estuary wildlife refuge monitoring programme.
3. Maintains the refuges as voluntary and that their boundaries, applicable time of year and duration remain unchanged at this time.
4. Receives further recommendations relating to signage as part of the 2022-23 Annual Business Plan.
5. Notes the comments regarding the future operation and monitoring of the refuges (in sections 3.7-3.11 below) and that these are considered as part of the Migration Strategy Review.
6. Notes the feedback provided in response to questions asked by members at the October 2021 meeting (in sections 4.1-4.7 below) and that these are considered as part of the Exe Management Plan 2022-27 review.

Equalities impact: Low

Risk: Low. This report considers the results of the Exe estuary wildlife refuge monitoring programme and, following discussion with the officer working group, identifies appropriate next steps. The continued objective of the refuges is to prevent recreational disturbance to the protected bird species on the Exe estuary. This is important because without robust and effective mitigation which enables the partner authorities to be certain of no net impact to protected sites, continued development as outlined in respective local plans and within 10km of the estuary is at risk of legal challenge.

1. Summary

1.1 The overarching results of the Exe estuary wildlife refuge monitoring programme (2018 – 2021), undertaken by Footprint Ecology, were presented to the Executive Committee in October 2021.

1.2 The report contained evidence that incursions into both refuges decreased during their respective active periods and that the maximum numbers of wildfowl recorded in and around the Exmouth refuge showed an annual increase over the three years of the study.¹

¹ See 4.3 (pg.30) and Figure 2 (page 31) of the Exe Estuary Wildlife Refuge Monitoring Programme – Final Report.

1.3 It was further reported that both refuges had notable counts of wildfowl and wader species mentioned in the Exe Estuary Special Protection Area (SPA) designation including Dark-bellied Brent Goose, Wigeon, Bar-tailed Godwit and Oystercatcher. This is only to be expected as the refuges were chosen because of their notable bird counts.

1.4 Much higher numbers of wildfowl were recorded inside the Exmouth refuge than outside it, whilst higher numbers of both waders and wildfowl were recorded inside the Warren refuge than outside it. Coupled with higher bird counts during the autumn/early winter period, this data strongly suggests that the refuges are correctly situated and cover the most critical times of year.

1.5 The refuges have been shown to be well used by the birds and in general, relatively few incursions into the refuges were recorded despite a wide range of recreational use in the estuary. However, whilst the potential number of disturbance events decreased, the number of behavioural responses from the birds increased.² This means that although there are fewer incursions, those which still take place have a marked response from birds present at the time.

1.6 Recommendations from the report focused on the continuation of a monitoring programme, potentially undertaken solely by the Habitat Mitigation Officers (now Wildlife Wardens). Further, the results of future monitoring should help target warden presence and other measures to ensure the effectiveness of the refuges.

1.7 The key to cost effective, long term monitoring is the continuation of the Vantage Point Counts, which can be carried out quickly and easily by the warden team whilst onsite. However, there is also a need for future core count data to allow for year on year statistical comparisons. The vantage points data only gives a snapshot.

1.8 The report makes an important note that the estuary is a dynamic system and therefore subject to ongoing change. This should be factored into future decision making (i.e. whether the refuges should change size, shape, or duration and if further action is needed to prevent incursions), particularly in light of the significance of changes related to climate change and rising sea levels.

² See 6.23 and Table 7 (pg.89) in the report.

2. Discussion.

2.1 Members of the officer working group, including the habitat mitigation team, met to discuss the outcomes of the wildlife refuge monitoring programme and to agree recommendations to the Executive Committee.

2.2 The Wildlife Wardens reported that:

- Most visitors they talk to onsite know about the refuges now and the majority of interactions are positive.
- There is anecdotal evidence that an element of self-policing is taking place with education and pressure within peer groups.
- Watersports operators are increasingly taking responsibility, training staff, informing customers and acting as ambassadors.
- Evidence of increases in popularity of Stand-up paddle boarding (SUP) and kayaking. These are both largely individual pursuits rather than group activities and therefore users can be harder to reach.
- Dog owners can also be harder to reach as a group due to this being a largely individual activity, although officers continue to engage with people onsite. Importance of the Devon Loves Dogs project in getting messages out there.
- Physical barrier imposed by the Exmouth Tidal Defence Scheme has really helped to prevent regular, casual encroachment straight into refuge from the car park.

2.3 Site-based staff from Teignbridge and East Devon made the following observations:

- Largely pleased with the Warren refuge and its effectiveness.
- A perceived decrease in watercraft in the area from staff.
- Increase in awareness of the refuge may have impacted understanding / awareness of the defined landing area at Soft Sand Bay, Dawlish Warren.³ New signage in place through funding via HREC should address this issue.
- Boat traffic to/from Eales Dock does appear to be mainly access to/from the dock rather than within the wider refuge. They have an established legal right to operate as a dock.
- After a few attempts in the early 2000s, the Exmouth Kitesurfing exclusion zone was established (which was larger than the current refuge).
- Good to see continued delivery and development of that approach into our current scenario, with the benefits of a consistent approach, year on year, with same messaging and dedicated staff.

³ The perception of staff is that the more recent, high profile and wide reaching consultation and implementation of the refuges has resulted in an increase in boats, and other craft, landing outside the defined landing zone. Staff report being regularly told that visitors are aware of the refuges, but not of the landing zone/season. This may be because people genuinely don't know, have the refuges fresh in their minds or it might be because of the visibility of the signage/buoys etc.

- The anxiety expressed during the consultation in 2017 and the early reception to the wildlife refuge concept has not been mirrored by the experience of officers on the ground.

2.4 Comment and feedback from representatives of other organisations including Natural England (NE) and the Royal Society for the Protection of Birds (RSPB) covered the following points:

- To better understand the health of the SPA as a whole, should we now also be looking to understand what the situation is on the wider estuary. Monitoring has focused on the two refuges but is there an argument for wider estuary monitoring/evidence base to inform future measures / adjustment?
- What is the situation in the northern part of the estuary?
- What are the population numbers as a whole on the estuary currently?
- How do the numbers of birds in the refuges relate to the population trends on the whole estuary? Are numbers increasing across the site or just in the refuges?
- What happens when birds are disturbed? Where do they go?
- NE are beginning a condition assessment of most intertidal sections of the Exe Estuary. The assessment will be a combination of desk study and new surveys of intertidal habitats (including the extent of seagrass and mussel beds) and a desk based review of bird data. Once this work is completed later in 2022, this will inform answers to many of the above questions. However, the studies will not be examining recreational disturbance impacts and there is still an ongoing need to continue to record these and review new evidence.
- The condition assessment will inform decisions on whether further measures are required and this can form part of the evidence base to feed into the local plan review/next mitigation Strategy.

2.5 Wider discussion/topics of interest were:

- Changes related to sea level rise – work on the network railway line has significant implications for the major high tide roost on the railway saltmarsh to the north of the Warren. It is likely that any work to raise the line will require increasing the footprint into the roost.
- Where will birds roost at high tide in the future within the context of rising sea level/changes to geomorphology at the Warren?
- Future plans need to be sighted on the likely future conditions in the estuary.
- Review of Exe Estuary Management Plan underway at the Exe Estuary Management Partnership.
- Ongoing education for visitors is required, considering issues such as the changing access patterns in relation to the Beach Management Scheme at the Warren – potential for causing further disturbance (greater levels of birdwatching activity at Cockwood Steps due to access issues at the W hide).

- Alternative locations/bird hides to promote for families (acknowledged that some visitors will not be persuaded to move from the Warren) around the Exe – such as at Bowling Green/Exminster Marsh. Social media could be used to do this quite easily.

3. Recommendations

3.1 The refuges should remain in place and as outlined in the Footprint report, monitoring should continue, using the vantage point count methodology. Monitoring should be reviewed on an annual basis and should make use of current provision in the Strategy for consultancy support for reporting and analysis. The overriding aim is to ensure that the refuges remain relevant, targeted and effective.

3.2 Based on the results of monitoring to date, it is recommended that for both refuges, no changes to the boundaries, time of year, duration or level of restriction are made at this time

3.3 The onsite presence of the wardens is clearly effective and therefore the current scheduling of patrols and gazebo “pit stops” should continue. Social media effort should continue to build communities of interest and aim to positively engage with visitors, local groups and businesses.

3.4 The low fence at the Imperial Recreation Ground is intermittent, broken in places and does not deter visitors from walking down the revetment directly into the refuge. As part of the Local Plan review and formulation of the next mitigation Strategy, consideration should be given towards planting a robust, waist-high hedge, containing native salt tolerant species designed for maximum wildlife benefit.

3.5 An additional sign at the top of Cockwood Steps should be installed, overlooking the estuary and similar to those already in place at the Imperial Recreation Ground. Additionally, a permanent sign should be installed at the bottom of the slipway at the Imperial Recreation Ground. There is budgetary headroom as a result of efficiencies of scale and therefore these signs will be recommended as part of the 2022-23 Annual Business Plan in April 2022.

3.6 Scrub was removed at Mudbank, at the top of the Royal Avenue, Exmouth, during the Exmouth Tidal Defence Scheme. Staff have reported seeing dogs make their way directly into the refuge and foreshore at this point. EDDC Countryside manage this area and are considering appropriate planting/screening in the area as part of their management plan for the site.

3.7 As part of the Local Plan review, consideration should be given to allocating a separate budget towards one year of supplementary consultancy monitoring every 3 years, in addition to the ongoing monitoring carried out by the warden team. This should also include a margin for additional consultancy monitoring if significant increases in levels of disturbance are detected prior to the scheduled monitoring.

3.8 The Local Plan review should also include an ongoing revenue budget for review/reprint/refreshing of our range of literature every 5-7 years. The current Strategy allows for one exercise to establish the literature (codes of conduct) and one reprint. This is considered insufficient to serve the intended lifespan of the Strategy (80 years).

3.9 Additionally, the Local Plan review should reconsider the budget for ongoing repair, maintenance and replacement of the buoys into the future, along with an appropriate lifespan. The current budget is based on the best available information at the time of installation in 2018, when adaptations were made to utilise rope rather than chain. This is intended to reduce any environmental impact by reducing any potential scouring effect on the eelgrass. However, rope is less durable in the marine environment and therefore will require cyclical replacement.

3.10 As part of any replacement/maintenance scheme for the buoys from the Local Plan review, further thought should be given to the wording/letters/symbols used. To make them even easier to understand it may be possible to include additional letters and/or symbols, although these incur additional costs.

3.11 Natural England are undertaking a condition assessment of the Exe Estuary SSSI to compare to standards to determine 'favourable condition', which will identify any particular issues with the conservation objectives for the site. This condition assessment should be used as part of respective Local Plan reviews to inform measures in the next mitigation Strategy required to address the issues identified.

3.12 The Mitigation Strategy Review (as part of respective Local Plan reviews) provides the most appropriate mechanism to review the future operation and monitoring of the refuges.

4. October 2021 meeting of the Executive Committee.

4.1 Following consideration of the Exe Estuary Wildlife Refuge Monitoring Programme – Final Report at their meeting in October 2021, members requested further consideration and feedback relating to a number of issues:

- Concerns regarding the release of sewage into streams and the potential effect on wildlife – for example at the Shutterton brook discharging into the Exe. How often does this occur and can anything be done about it?
- Is there a case to justify planting more eelgrass in the Exe Estuary, are there any plans, has it been considered? What are the results of the most recent monitoring of Eelgrass in the estuary and who would take a planting scheme forwards?
- The impact of shellfish collecting and the Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) byelaw review, particularly concerning the 5kg limit for personal use. Are there any updates on this, what lessons can we learn?

4.2 As members recognised at their meeting, the issues listed above are not within the remit of the mitigation Strategy but nonetheless may impact upon the habitats and species in the Exe.

4.3 The Exe Estuary Management Partnership (EEMP) are currently undertaking the Exe Estuary Management Plan 2022-27 review. The Exe Estuary Officer has confirmed that the issues identified above have been raised as important items for consideration. The Management Plan will be taken to the EEMP Committee for adoption on 25th January 2022, before being launched at the Winter Forum on 15th February. Following adoption of the Management Plan, the EEMP will be addressing issues which have been raised through the review, which include all of those identified by the Executive Committee.

4.4 In particular, the issue of sewerage discharge will be looked into as a matter of urgency in 2022. There are various organisations involved already, so the EEMP intends reach out to all of these organisations and explore any further action as necessary.

4.5 Eelgrass planting has been raised as an initiative which should be investigated by the EEMP, potentially learning from the work already underway by schemes such as the LIFE Recreation ReMEDIES project in southern England⁴. There are no current plans for planting but to begin, the current status of eelgrass beds in the Estuary need to be assessed and understood to evidence any requirement for additional planting.

4.6 D&S IFCA plan to continue the hand gathering byelaw for shellfish, which has been delayed due to resource issues. The Exe Estuary Officer reports that the EEMP is notified fairly regularly about this as an issue.

4.7 The partner authorities are well represented by both officers and members in the EEMP and therefore this remains the most appropriate channel to address the issues identified. The Exe Estuary Officer will be in a position to provide further updates to members of the Executive Committee as the work progresses throughout the year.

Naomi Harnett
Principal Projects Manager,

East Devon District Council

January 2022

Natural England comment:

We endorse the report recommendations to retain and continue to monitor the voluntary wildlife refuges on the Exe Estuary.

Decisions on making changes to mitigation measure approaches and the allocation of major funds should be discussed in the round, as part of the mitigation strategy review.

⁴ jncc.gov.uk/our-work/life-recreation-remedies/