



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

Exe Estuary wildlife refuges – next steps.

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Exeter
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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.

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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/