

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at King Charles room, Forde House, Teignbridge District Council, Brunel Road, Newton Abbot, TQ12 4XX. on 29 April 2019

Attendance list at end of document

The meeting started at 2.00 pm and ended at 3.10pm.

1 Public speaking

The Chairman, Cllr Humphrey Clemens, welcomed everyone present to the meeting and explained that there had not been a recent meeting of the Executive Committee as this had been a year of implementation of previous decisions made.

Cllr Martin Wrigley, Teignbridge District Council asked the following questions:

- Since Teignbridge District Council had passed a motion to deal with climate change issues. What was the Habitats team doing to reduce their carbon footprint?
Neil Harris, Habitat Regulations Delivery Manager responded that Teignbridge District Council had only declared on the climate change issue in the last couple of weeks, but he agreed that this was an issue that demanded attention in the future. The environment was at the core of what the group did.
- Was very impressed with the Habitat teams working patterns. The SUV was seen driving around Dawlish at 8.00pm one evening and asked what were they doing at this time in the evening?
Neil Harris, Habitats Regulations Delivery Manager responded that the Habitat Mitigation Officers sometimes worked outside normal office hours. There was a particular issue in Dawlish at present that some walkers were waiting until staff had finished their shift and walking in restricted areas. Staff had become aware of this and had changed their shift to a later one to try to prevent this activity and would have been driving home in the SUV at 8.00pm.
- In reading the reports there were a number of elements to the various projects. What was the monitoring and measurement of how well the projects have been going? There seemed to be no feedback given on targets and no progress monitoring. Where can this information be found?
Neil Harris, Habitat Regulations Delivery Manager responded that there was on going monitoring of wildlife and a number of the reports presented to the Executive Committee contained feedback on things like visitor numbers, number of people spoken to and number of events provided. Changes in populations of species and visitor behaviour is evidenced over the long term and relies on a number of surveys to draw reliable conclusions. Species monitoring was also going on at Dawlish Warren. A further report on wildlife monitoring would be given at the next meeting.

2 Minutes of the previous meeting

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 20 April 2018 were agreed as a true record.

3 **Declarations of interest**

Cllr Paul Diviani – Personal Interest as Chairman of Blackdown Hills AOB.

Cllr Ollie Pearson – Personal interest as partner worked for National Trust.

4 **Matters of urgency**

There were no matters of urgency.

5 **Financial Report 2019**

The Executive Committee considered the Habitats 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.

The report set out details of the contributions received from inception to date and anticipated income from contributions where planning permission had been granted but the contribution had not yet been paid. Details of expenditure against 2017/18 and 2018/19 Annual Business plans, as well as total expenditure to date were also provided. Updated housing forecasts had been made available from each partner authority and were reported in Table 3. These projections had also been used to assist in outlining the indicative 5 year Delivery Plan.

- RESOLVED**
1. that the Executive Committee notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed S106).
 2. that the Executive Committee notes the expenditure against budget for the 2018-19 Annual Business Plan and reasons given for any variance.

6 **2018/19 Annual Business Plan - Annual Report**

The Executive Committee considered the Habitats 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 and 2018-19 Annual Business Plans and ongoing measures from the 2016-17 Plan. It was important that progress continued to be made, or this would put the delivery of partner Authorities Local Plans at risk due to the continued legal duties under the Habitat Regulations.

The measures outlined in the plan had been debated and endorsed by the Officer Working Group. The plan outlined the delivery of ongoing measures established in the 2016/17 and 2017/18 ABPs, as well as a range of additional measures. In total, the plan earmarked expenditure of an estimated £192,170.

Fergus Pate, Principal Growth Point Officer, Teignbridge District Council, reported on the changes to the car park at Dawlish Warren. The Parking Order had been made and there had been further discussions with the traders which had caused the District Council to look again at its bylaws powers. There was the need to report back to the Executive Committee at the next meeting and make recommendations on changes to the car park

at Dawlish Warren as the legal process had been very complex. There would also be a report necessary to be made to Teignbridge District Council's Executive Committee.

- RESOLVED**
1. that the progress made in delivering the 2017-18 and 2018-19 Annual Business Plans be noted.
 2. 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.

7 **2019/20 Annual Business Plan and Five Year Delivery Plan**

The Executive Committee considered the EDDC Growth Point Principal Project Officer's report, which set out the principles for the on-site projects, which had been recommended as a priority by the Habitat Regulations Delivery Manager, in conjunction with the Officer Working Group. Following the request for a rolling 5 year Delivery Plan from Natural England, this has been incorporated into an updated 5 year plan.

- RESOLVED**
1. that the 2019-20 Annual Business Plan and the commitments and actions set out therein be approved.
 2. that the updated 5 year Delivery Plan be noted.
 3. that the adjustment of the Habitat Mitigation Officers contracts to permanent status to align with the funding allocated in the mitigation strategy be approved.
 4. that the retention of the Devon Loves Dogs project Coordinator for 5 years from November 2019 and funding for a used vehicle from May 2019 as outlined in Section 2 be approved.
 5. that redirecting the funds outlined in section 3 to cover the associated costs of 4. Above be approved.
 6. that a further report be received on funding the Delivery Manager role and specific accountancy/monitoring officer resource at the next meeting.

8 **Risk Register Report 2019**

The Executive Committee considered the Habitat Regulations Delivery Managers report which sought to update members of the Executive committee on the Risk Register 2019. As part of the project development of the South-Est Devon European Site Mitigation Strategy a detailed risk register is used to take account of the various categories of risk that exist or emerge in all elements of the Strategy.

It was noted that although none of the risks on the register were noted as severe, there remained a number of risks which had the potential for high strategic and operational impact, if not carefully addressed. Continued partnership working and keeping updated on changes in the operational environment would assist in mitigating these risks. Continued and effective delivery of the Strategy and the development this enabled remained of very high importance to all partners.

Amanda Newsome, Natural England, questioned whether developers should be listed as joint risk owners and whether it was appropriate for a third party to be considered responsible for a risk.

- RESOLVED**
1. that the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with the delivery of the South-East Devon European Site Mitigation Strategy be noted.
 2. that the control measures in place to mitigate the risks identified be noted.
 3. that an updated Risk Register report be received in 6 months.

9 **SANGS Delivery at Dawlish and SWE**

The Executive Committee considered the Teignbridge District Council's Green Infrastructure Officer's report, which highlighted that significant progress had been made on SANGS land agreements with developers at South West Exeter (SWE) with 17 hectares now agreed. This was expected to transfer to Teignbridge District Council in July 2019 and agreement for a further 4.5 hectares was underway. The Delivery Strategy for the site had been updated prior to procurement and establishment, which would be led by TDC Green Spaces, following the same approach as at Dawlish SANGS. TDC were negotiating head of terms with Land Trust for a long-lease of both Dawlish and South-West Exeter to ensure effective management in-perpetuity. The intention was to work towards finalising the lease and funding agreement this summer (2019).

Cllr Humphrey Clemens, Chairman, reported on how successful the SANGS sites at Dawlish had been and how popular they were with walkers. He asked whether it would be possible to have a hot drink facility on site. Estelle Skinner, TDC Green Infrastructure Officer reported that it would not be appropriate and against the principles of the SANGS.

- RESOLVED**
1. that the progress made by Teignbridge District Council towards the delivery of Suitable Alternative Natural Green Space (SANGS) at South West Exeter (SWE) be noted.
 2. that the progress made by TDC in developing and securing long lease funding agreements for management in perpetuity at Dawlish and SWE SANGS be noted.
 3. that Devon County Council's success in securing the Housing Infrastructure (HIF) award for development at SWE, including SANGS, be noted.
 4. that a report be received at the next meeting on the specific funding arrangements of the HIF and consideration of the implications on current SANGS funding arrangements.

10 **Dates of future meetings**

Tuesdays 16 July 2019, 29 October 2019, 28 January 2020 and 28 April 2020 at 2.00pm. All dates are subject to the existing terms of reference that meetings will be held according to workload. Meetings will be held in the Council Chamber, East Devon District Council, Blackdown House, Border Road, Honiton EX14 1EJ.

Attendance List

Councillors present:

Cllr Humphrey Clemens, Teignbridge District Council (Chairman)
Cllr Paul Diviani, East Devon District Council

Cllr Ollie Pearson, Exeter City Council (Sub for Cllr Rachel Sutton)

Officers in attendance:

Neil Harris, Habitats Regulations Delivery Manager (ECC)

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

Chris Lane, Democratic Services (EDDC)

Amanda Newsome, Natural England

Fergus Pate, Principal Growth Point Officer (TDC)

Estelle Skinner, (TDC)

Peter Hearn, Strategic Infrastructure Planning (ECC)

Andy Wood, East of Exeter Projects Director (EDDC)

Naomi Harnett, (EDDC)

Ed Freeman, Service Lead –Planning Strategy and Development Management (EDDC)

Apologies:

Cllr Rachel Sutton, Exeter City Council

Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)

Chairman

Date: