



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

East Devon District Council

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Agenda for South East Devon Habitat Regulations Executive Committee

Wednesday, 21 September 2016; 6.00pm

Members of Committee:

Cllr Humphrey Clemens, Teignbridge District Council

Cllr Andrew Moulding, East Devon District Council

Cllr Rachel Sutton, Exeter City Council

Peter Lacey, Green Infrastructure Board

Amanda Newsome, Natural England

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Hannah Whitfield](#), 01395 517542 (or group number 01395 517546)

Issued 12 September 2016

Part A

- 1 [Public speaking](#)
- 2 Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 29 June 2016 (page 3 – 8)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are two items which officers recommend should be dealt with in this way.
- 7 **Financial report** (page 9 - 14)
Habitat Regulations Delivery Manager
The report seeks to update members of the Executive Committee on the overall financial position regarding mitigation payments towards projects identified in the South East Devon European Site Mitigation Strategy (SEDESMS).
- 8 **Annual business plan – progress report** (page 15 - 28)
Habitat Regulations Delivery Manager
The report provides a progress update on delivery of the 2016 Annual Business Plan.

- 9 **The Chairman to move the following:**
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B

- 10 **Suitable Alternative Natural Green Space (SANGS) – Scoring site options**
(page 29 - 80)
Habitat Regulations Delivery Manager
- 11 **Suitable Alternative Natural Green Space (SANGS) – Opportunity**
(page 81 - 89)
Habitat Regulations Delivery Manager

Reasons for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person

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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.

[Decision making and equalities](#)

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Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Knowle, Sidmouth, on Wednesday 29 June 2016

Attendance list at end of document

The meeting started at 6pm and ended at 6.35pm.

1 Public speaking

The Chairman welcomed everyone present to first meeting of the Executive Committee.

There were no questions from members of the public.

2 Declarations of interest

There were none.

3 Exclusion of the public

RESOLVED:

that the classification given to the documents submitted to the Executive Committee be confirmed; there were two items which officers recommended should be dealt with in Part B.

4 Arrangements for governance, operation and stakeholder interaction

The Executive Committee considered the Habitat Regulations Delivery Officer's report setting out the governance arrangements and method of operation for the South East Devon Habitat Regulations Executive Committee (HREC), as agreed by East Devon District Council, Exeter City Council and Teignbridge District Council. The report also detailed the working relationships between the HREC, the Habitat Regulations Delivery Officer, the Officer Working Group and the Green Infrastructure (GI) Board.

The HREC was responsible for overseeing the habitat mitigation delivery required by the South East Devon European Mitigation Strategy, endorsed by all three authorities, to ensure that development within each authority's Local Plans could proceed.

In response to a suggestion put forward to include the word 'provisionally' in the recommendations, the Strategic Lead – Legal, Democratic Services and Licensing advised that certain decisions had to be agreed by the Executive Committee in order to proceed with the work detailed within the Annual Business Plan and 5 Year Delivery Programme.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

1. Endorses the South East Devon European Site Mitigation Strategy, noting that:

- Further work is required to confirm overall SANGS requirements;
- The need for future re-evaluation of the (Table 26) costs therein, in particular SANGS delivery priorities and associated costs; and,
- The need for future re-evaluation of approaches to securing funds for SANGS delivery through CIL and Section 106, taking account of any forthcoming amendments to the CIL regulations.

- 2. Notes the Terms of Reference and Rules of Procedure which govern the running of the HREC and which have been agreed by the three authorities and that the Committee has no authority in respect of Compulsory Purchase powers.**
- 3. Notes the intended working relationships between all interested parties.**
- 4. Agrees to using East Devon District Council's Contract Standing Orders and financial rules (adapted to suit as appropriate by East Devon District Council's Strategic Lead for Legal, Licensing and Democratic Services and S.151 Officer) for all procurement until such time as the HREC agrees its own procurement rules.**
- 5. Delegates all necessary powers to the Delivery Officer to enable the delivery and implementation of approved mitigation projects (including the hiring of staff, purchasing vehicles and equipment, awarding monitoring and surveying contracts) with any expenditure being identified in the Annual Business Plan or 5 yr delivery programme and limited to a maximum sum of £50,000 per item. This delegated authority shall not include decisions relating to:**
 - a. Agreeing the Annual Business Plan and 5 yr delivery programme.**
 - b. Any expenditure not contained within the approved Business Plans.**

5 Financial report

The Executive Committee considered the Habitat Regulations Delivery Officer's report updating Members on the overall financial position of developer contributions received by all three local authorities as mitigation payments toward measures identified in the South East Devon European Site Mitigation Strategy. The report also included anticipated income from contributions where planning permission had been granted, however the mitigation payment had not yet been paid.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Notes the progress made in collating detailed financial information from the three authorities.**
- 2. Receives quarterly updates on the overall financial position including contributions received, contributions not received because arrangements may be in place for contributions to be with-held, expenditure and anticipated contributions (from signed S106).**
- 3. Receives *annual updates on 5 year income forecasts of developer contribution receipts, clearly identifying where these have been retained by the collecting authority where any agreement is in place for contributions to be with-held.**
- 4. Agrees that, as financial administrator, EDDC will invoice Exeter City Council and Teignbridge District Council quarterly in arrears, as a minimum, to cover agreed costs incurred by EDDC on behalf of the Partnership. An exercise to agree balances between the parties will also be initiated quarterly by EDDC.**

(* - see resolution 5 of minute 6 re arrangements for more frequent reporting in the first 12 - 18 months)

6 Annual Business Plan and Five-Year Delivery Programme

The Executive Committee considered the Habitat Regulations Delivery Officer's report setting out the principles for the on-site projects, which were recommended as a priority by the Delivery Officer, in conjunction with the Officer Working Group. The projects were detailed within the Annual Business Plan and Five Year Delivery Programme, which were both appended to the Committee report.

During discussion, it was proposed that the role of the Habitat Regulations Delivery Officer should be included in the next Annual Business Plan and 5 Year Delivery Programme. The contract for the post was currently scheduled to end in spring 2018 and it was considered that this should be reviewed to ensure delivery of the Programme.

In response to comments made regarding potential impacts from the outcome of recent the European Union referendum, Amanda Newsome (Natural England) advised that at present there was no change in the law or policy protecting wildlife. All of the EU Directives, which related to wildlife protection, had been transposed into UK law and it would require new Acts of Parliament to revoke any of it. Concern was raised by Members that the outcome could result in a 'slow-down' in the development industry and therefore there would be value in having more frequent updates on development forecasts. Notwithstanding resolution 3 in minute 5, in light of concerns over impact of the referendum results more regular reporting on developer forecasts was felt appropriate.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Approves the 2016 Annual Business Plan appended to the committee report and commitments and actions set out therein.**
- 2. Approves the 5 Year Delivery Programme appended to the committee report.**
- 3. Receives a progress update on the delivery of the Annual Business Plan at the next meeting (quarterly basis).**
- 4. Agrees that the Habitat Regulations Delivery Officer role be included in the next Annual Business Plan and 5 Year Delivery Programme.**
- 5. Receives an update on development forecasts every six months for the next 12-18 months.**

7 Dawlish Warren Visitor Centre

The Executive Committee considered the Habitat Regulations Delivery Officer's report outlining an opportunity to deliver a new visitor centre at Dawlish Warren. Members noted that the project was identified through the South East Devon European Site Mitigation Strategy and that significant match funding might be available for a limited period.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Agrees the principle of prioritising a further £220,000 of Partnership funds as a contribution towards the replacement Dawlish Warren visitor centre in 2019/20, subject to sufficient monies being available.**

- 2. Agrees the redirection of the £220,000 of Partnership funds to other projects if sufficient match funding to take the Dawlish Warren Visitor Centre project forward is not secured by June 2019.**

8 Joint Communications Strategy

The Executive Committee considered the Habitat Regulations Delivery Officer's report seeking approval of a communication protocol to ensure that the reputations of the Executive Committee and the respective Councils were protected. It also would also ensure that the work of the Executive Committee was communicated positively and adverse publicity was avoided or limited. Key communication messages, which had been written to enable the work of the Executive Committee to be promoted in a consistent and coordinated manner, internally and externally, were also noted.

In response to a comment about the need to promote a clear message about the benefits of the works being progressed in respect of delivering the Mitigation Strategy, it was advised that a press-release on the outcomes of the Executive Committee's first meeting would be published by the Growth Point's Communications Officer within the next couple of weeks. The importance of communication being in plain English was highlighted.

RESOLVED: that South East Devon Habitat Regulations Executive Committee:

- 1. Approves the Habitat Regulations Mitigation Communications Protocol as set out in appendix 1 to the committee report.**
- 2. Note the key communications messages as set out in appendix 2 to the committee report.**

9 Forward Plan and programme of meetings

The Strategic Lead – Legal, Democratic Services and Licensing asked Members to agree the proposed dates for future meeting of the Executive Committee. A Forward Plan of key decisions would be published at least 28 days prior to each meeting as set out in the Executive Committee's Terms of Reference.

RESOLVED: that dates proposed for future South East Devon Habitat Regulations Executive Committee meetings be agreed.

- **21 September 2016**
- **18 January 2017**
- **29 March 2017**

10 Exclusion of the public

RESOLVED: that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

11 Suitable Alternative Natural Green Space (SANGS) – introduction and options

The Executive Committee considered the Habitat Regulations Delivery Officer's report outlining the concept of Sustainable Alternative Natural Green Space (SANGS) and options for sites currently under investigation across the three local authority areas.

The creation of alternative sites (SANGS) sought to divert visitors away from sensitive European sites and was being promoted as a mitigation measure, one of many, to ensure no adverse effect on the integrity of the European Sites as a result of new development.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee notes the progress towards delivering SANGS options across the region.

12 Suitable Alternative Natural Green Space (SANGS) – opportunity

The Executive Committee considered the Habitat Regulation Delivery Officer's report advising Members of an opportunity to acquire land for SANGS; this would be forward funded and would play a key role in mitigating the impacts of development within the three local authority areas.

The Executive Committee discussed the challenges in respect of delivering SANGS sites and the need to look at each individual opportunity on its own merits.

RESOLVED: that the South East Devon Habitat Regulations Executive Committee:

- 1. Acknowledges a request to approve the purchase of specified land Sustainable Alternative Natural Green Space (SANGS); the purchase to be forward funded;**
- 2. Approves the principle of funding the purchase and instatement of the Land for SANG provision at a cost of up to the amount contained in the confidential committee report, subject to conditions included in the report in respect of acquiring the land and the Committee being satisfied with the financial budget details;**
- 3. Approves the use of Section 106 funding from specified development as a contribution toward the costs of the proposed SANGS on the Land;**
- 4. Notes that a decision on the specific mechanism for any partnership funding and the method by which the forward funding is recouped be taken at the next committee meeting in September 2016.**

Attendance list

Committee Members:

Cllr Andrew Moulding, East Devon District Council (Chairman)
Cllr Humphrey Clemens, Teignbridge District Council
Cllr Rachel Sutton, Exeter City Council

Amanda Newsome, Natural England
Peter Lacey, Green Infrastructure Board

Officers

Henry Gordon Lennox, Strategic Lead – Legal, Democratic Services and Licensing (EDDC)
Neil Harris, Habitat Regulations Delivery Officer
Naomi Hartnett, Principal Projects Manager
Peter Hearn, Strategic Infrastructure Planning (ECC)
Fergus Pate, Principal Growth Point Officer (TDC)
Richard Short, Assistant Director City Development (ECC)
Hannah Whitfield, Democratic Services Officer (EDDC)
Mark Williams, Chief Executive (EDDC)
Andy Wood, Projects Director

Also present for all or part of the meeting:

Cllr Peter Bowden (EDDC)

Chairman Date.....



SOUTH EAST DEVON
HABITAT REGULATIONS
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South East Devon Habitat Regulations Executive Committee

Financial Report

Neil Harris, Habitat Regulations Delivery Manager
September 2016

Legal comment/advice

Notwithstanding the comments of Natural England, whose comments will need to be considered, the report is purely a financial update report and therefore there are no legal implications arising.

Finance comment/advice:

The report contains a financial update for members. Natural England have raised areas that do need consideration on some key financial issues that do need addressing in future reports.

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

Recommendations

It is proposed that the Executive Committee:

- 1. Notes the quarterly update on the overall financial position including contributions received, contributions not received because arrangements may be in place for contributions to be with-held, expenditure and anticipated contributions (from signed S106).**
- 2. Receives an update on 5 year income forecasts of developer contribution receipts at the next HREC meeting on 18/01/2017. This will clearly identify where these have been retained by the collecting authority where any agreement is in place for contributions to be with-held.**

Equalities impact: Low

Risk: Low

This is an update, repeated quarterly, on the current financial position of developer contributions (both collected and anticipated) for Habitat Regulations mitigation across the three partner authorities.

1. Summary

1.1 The purpose of this report is to update members of the Executive Committee on the overall financial position of developer contributions received by all 3 Local Authorities as mitigation payments towards measures identified in the South East Devon European Site Mitigation Strategy ("the Strategy").

1.2 The report set out details of the contributions received from inception until the end of the first quarter of the 2016 financial year.

1.3 The report also contains details of anticipated income from contributions where planning permission has been granted but the contribution has not yet been paid. Details of expenditure in the first quarter of the 2016 financial year are also provided.

1.4 Table 1, below, sets out the position of developer contributions as at the end of the first quarter of the 2016 financial year.

Table 1 Developer contributions received (less expenditure) to end Q1 2016, according to the charging schedule, wording of S106 obligations and Community Infrastructure Levy charges:

Charging zone/period	Carried forward from end Q4 2015	Received in Q1 2016	Expenditure during Q1 2016	Balance as at end Q1 2016
SANGS	£575,588.29	£42,995.64	£0	£618,583.93
JIA On site	£323,699.31	£615.87	-£10,767.80	£313,547.38
Dawlish Warren On site	£113,175.85	£6,408.40	£0	£119,584.25
Exe Estuary On site	£23,916.58	£6,599.60	£0	£30,516.18
Pebblebed Heaths On-site	£11,055.54	£13,261.00	£0	£24,316.54
Total	£1,047,435.57	£69,880.51	-£10,767.80	£1,106,548.28

2. Expenditure in the first quarter of the 2016-17 financial year:

Joint Interim Approach – On site

2.1 In order to secure part of the website element of the Devon Dogs project, the domain name www.devondogs.org.uk has been registered for 10 years. This cost £63.80 and will be allocated to the Joint Interim Approach funds.

2.2 Salary and associated costs for the Delivery Manager until the end of the first quarter of the 2016-17 financial year is £10,704 which will be shared equally between the Joint Interim Approach funds.

2.3 As of Q2 2016, costs for onsite mitigation will be apportioned according to the amount on account for each partner authority, where project costs are shared. For example, if £10,000 had been collected across the three authorities, where one had collected £5,000 and the others £2,500 each, a project costing £5,000 would be apportioned accordingly: £2500, £1,250 and £1,250. Expenditure is then proportionate in relation to the amount collected 50:25:25.

3. Permissions granted but not yet received

3.1 Table 3, below, shows the position of all developer contributions from planning consents granted but not yet received, as at the end of Q1 2016.

3.2 The substantial increase in JIA on-site funds relates to the inclusion of two major planning permissions at Exeter City Council which were not included in the calculation for the previous financial report. This was due to uncertainties of how the contributions should be allocated, which have now been resolved.

3.3 The apparent reductions relating to income not yet received for SANGS, Exe Estuary on-site and the Pebblebed Heaths on-site largely relate to a recalculation at Exeter City Council for planning application 14/1375/03. There has been a reduction of 68 dwellings reported, which equates to -£32,436 for SANGS, -£8,364 for the Exe Estuary and -£10,132 for the Pebblebed Heaths. The amounts do not exactly correlate to the apparent reduction, due to other applications across the Partnership either expiring or being paid (and therefore being removed from the record) in the same period.

Table 3 Position of all developer contributions from planning consents granted but not yet received, as at the end of Q1 2016.

	<i>As at end Q4 2015</i>	<i>During Q1 2016</i>	<i>Total end Q1 2016</i>
SANGS	£947,694	-£15,037	£932,656
JIA On-site	£640,689	£205,050	£845,740
Dawlish Warren On-site	£90,857	-£1,047	£89,810
Exe Estuary On-site	£118,011	-£13,563	£104,448
Pebblebed Heaths On-site	£123,675	£5,715	£129,390
Total	£1,920,929	£181,118	£2,102,047

4. Checking financial records

4.1 Accountants at EDDC will be undertaking quarterly checks on financial records supplied by the partner authorities. This will ensure that the information contained within the financial reports has been verified by both the host authority and the Delivery Manager.

Natural England comment:

Natural England notes the current and projected income and expenditure.

Our principle concern remains that expenditure, and hence delivery, at the proposed levels can be achieved, in order that the current “deficit” in mitigation delivery is addressed. We have previously suggested that flexibility in allocation of funds to different elements of mitigation would help with this but this is not reflected in Table 1 where all funds are allocated to specific “lines” of mitigation.

A further problem with this approach is that it does not identify a funding line for the “cross-site” mitigation (i.e. wardens, Delivery Manager and dog project) which is currently funded through the “JIA” receipts. This funding stream is likely to come to an end ahead of the others, leaving a question over how the cross-site measures will be funded after this time.

It would be useful to clarify where funding for “monitoring” sits within these lines as this is an important element of the strategy.

There appear to be inconsistencies in the rates being charged (whether through CIL or S106) between authorities and zones. We therefore repeat our request, made at the last meeting, that this should be rectified ASAP and we therefore recommend that a review of current charging rates be undertaken prior to the next meeting of this committee.

Funding in perpetuity – We would like to repeat our suggestion, made at the last meeting, that a more detailed paper considering options for funding of mitigation measures “in perpetuity” is brought to a future meeting of this committee.

Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
September 2016



SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

2016 Annual Business Plan – Progress Report

Neil Harris, Habitat Regulations Delivery Manager
September 2016

Legal comment/advice:

As this is an update report there are no direct legal implications arising. To the extent any observations are required, these are appropriate addressed in the 'Risk' section of the report.

Finance comment/advice:

Details of progress listed which have been approved and budget allocated.

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

Recommendations

It is proposed that the Executive Committee:

1. Notes the progress made towards delivering the 2016 Annual Business Plan.
2. Receives a further progress update on the delivery of the 2016 Annual Business Plan at the next meeting (quarterly basis).

Equalities impact: Low

Risk: Medium.

The 2016 Annual Business Plan was approved by the Executive Committee on June 29th 2016. This report is an update on the progress made so far toward delivering the mitigation measures set out in the Annual Business Plan. It is important that progress continues to be made, or this would put the delivery of the partner Authorities' Local Plans at risk due to the continued legal duties under the Habitat Regulations.

1. Summary

1.1 This paper lists the mitigation measures put forward in the 2016 Annual Business Plan and describes the progress made toward delivery in the period 29th June – 11th August. Table 1, below, lists the mitigation measures approved by the Executive Committee.

Table 1. 2016 Annual Business Plan mitigation measures.

Measure	Capital cost	Revenue Cost	Total
Exe revised zoning	£5,000	£0	£5,000
Voluntary Exclusion Zone	£2,000	£0	£2,000
Exe codes of conduct	£10,000	£0	£10,000
Pebblebeds codes of conduct	£1,000	£0	£1,000
Patrol boat	£22,600	£7,000	£29,600
Two wardens		£68,000	£68,000
Warden vehicle	£20,000	£2,000	£22,000
Dog project	£12,000	£13,800	£25,800
Petalwort monitoring	£1,000	£0	£1,000
Delivery Manager		£40,000	£40,000
Dog bins	£3,500	£2,870	£6,370
Pebblebeds map	£1,500	£0	£1,500
Pebblebeds monitoring		£2,000	£2,000
Total	£ 78,600	£ 135,670.00	£ 214,270

2. Progress

2.1 Revised zoning, Voluntary Exclusion Zone and codes of conduct for the Exe Estuary.

2.1.1 The Delivery Manager organised a meeting on 8th July to discuss and agree the aims and project brief. The meeting was attended by officers from the RSPB, Teignbridge District Council Rangers, Exeter City Council Waterways and the Exe Estuary Management Partnership (EEMP). An officer from the Devon Wildlife Trust (DWT) was unable to attend due to circumstances beyond their control.

2.1.2 It was agreed that the Exe Estuary Officer will begin the work in October 2016, with project completion estimated by the end of April 2017. It is anticipated that the Habitat Mitigation Officers (HMOs) will be in post during October 2016 and be able to positively engage with users in drawing up codes & zones.

2.1.3 There is the clear requirement to ensure that the core (already funded) work of the EEMP demonstrates that existing pressures are being addressed. The codes and zones work is in addition to this and seeks to mitigate future impacts, not existing ones.

2.1.4 The Exe Estuary Officer reported that the budget will allow a limited print of approx 3,000 codes of conduct packs (for distribution by HMO's, through clubs – will also be incorporated into user group websites, on EEMP website etc). Zones will be incorporated into future reprints of appropriate EEMP leaflets. There was the useful suggestion of including details of seasonal restrictions in the Yellow Publications South Devon Tide Times. This is being investigated and could include advertising a page on restrictions opposite relevant months throughout the year.

2.1.5 Further research into the costs of buoyage to provide visual markers on the water is required. Indicative costs provided by the EDDC Beach Safety Officer appear to be outside the appropriate budget for zone review. Costs include purchase, placement, cleaning, and replacement. It will also be very important to ensure there are no implications for safe navigation on the Exe. The Waterways Team Leader for Exeter City Council is investigating the cost and maintenance requirements.

2.1.5 It will maximise efficiency to combine zones and codes in one consultation event per user group. The Exe Estuary Officer has details of the relevant user group contacts and will look to organise consultation events in October. There is the opportunity for further consultation, revision or launch of the zones and codes of conduct at the 2017 Exe Estuary Forum.

2.1.6 Exeter City Council, as Statutory Harbour Authority for the Exe has applied to the Department of Transport to be designated with the powers to make Harbour Directions in order to better regulate shipping and improve overall safety in its area of responsibility. As part of this process, a Port User Group (PUG) has been established and will have its inaugural meeting in September. The Waterways Team Leader will promote and support the zonation and codes of conduct at this meeting.

2.1.7 The effectiveness of codes of conduct and zones will primarily be monitored and reported by the HMOs. Other monitoring to complement this would ideally be undertaken by volunteers. Monitoring the measures in the strategy is essential to inform whether they are successful or not. The Officer Working Group will discuss whether funding should be prioritised accordingly to ensure regular monitoring if volunteers cannot be found.

2.1.8 Key protection areas were confirmed – both the existing Voluntary Exclusion Zone (VEZ), off Exmouth and the proposed one at Dawlish Warren. There needs to be a refreshed approach to increase users' awareness of the existing Voluntary Landing Area for boats at Soft Sand Bay, Dawlish Warren. This area will also be reaffirmed as part of zone review & subsequent promotion/engagement.

2.1.9 The Exmouth VEZ stretches from its current northern boundary in the estuary to the Duck Pond, off Exmouth (see Appendix 1). Seasonal use of the Duck Pond area applies from Apr-Sept. The Dawlish VEZ will stretch from Soft Sand Bay/VLA to Cockwood Harbour, following the National Nature Reserve boundary (the maximum extent as proposed by EEMP, see Appendix 2).

2.1.10 The South East Devon European Site Mitigation Strategy zone recommendations provide a useful starting point for consultation with user groups. To avoid potential user conflict and ensure safety, there should be no overlapping of zones. The western limit for Personal Watercraft (PWC) should remain in place as this restricts activity off Warren Point and in front of the beach at Dawlish Warren, which are sensitive for both people and wildlife. Thereafter, the zones and codes have the best chance of working if some degree of flexibility remains for user groups to define their own zones, as long as both VEZ's are protected, there is space for other users and safe navigation remains a priority.

2.1.11 The only means of access by water, for watercraft, to and from Eales Dock will be via the Dawlish VEZ (See Appendix 2). The current owner has a legally established right to use the dock and is expanding their business of boat storage and maintenance. Some concerns remain regarding the advertising of anti-fouling services (which has the potential to release chemicals into the Exe). However, if required, this is considered most appropriate for investigation by either Natural England (damaging operations to a Site of Special Scientific Interest), or the Environment Agency (polluting of a watercourse, environmental permits).

2.1.12 The preferred approach to the owner of Eales Dock is positive engagement to establish agreed use of the VEZ. The ideal outcome is that any boats should avoid prolonged use of the VEZ (enter/depart as quickly as possible, adhering to speed limit and without disturbance). The Exe Estuary Officer will consult with the owner as part of establishing the VEZ, with the outcome of a written, signed agreement in which the owner agrees to promote this requirement to users of the dock.

2.2 Purchase and run a new patrol boat

2.2.1 Summer is the peak time for boat users and the second hand market is priced accordingly. EDDCs' Beach Safety Officer has previously advised that it will be most cost effective to investigate the market in early autumn (September) as prices are likely to be lower.

2.2.2 Unlike purchase of a new boat, which requires a lead in period to build and manufacture, it should be possible to secure a second hand boat relatively quickly once identified, tested and checked. The intention is to purchase and secure the new patrol boat ahead of the starting date of the HMOs.

2.2.3 Issues of ownership and funding with the Harbour Authority still require agreement. The Delivery Manager is arranging to meet again with the Waterways Team Manager to discuss these issues and explore the potential options for mooring the boat (both paid and free of charge).

2.3 Two Wardens (Habitat Mitigation Officers)

2.3.1 The Habitat Mitigation Officers are to be hosted by EDDC and are therefore subject to their policies and procedures. The Delivery Manager submitted an authority to recruit (ATR) request to the Senior Management Team on 12th July 2106, which was approved.

2.3.2 The Delivery Manager organised a meeting on 19th July 2016 to discuss and agree the recruitment, induction and work schedules of the HMOs. Officers from Clinton Devon Estates, Teignbridge District Council Rangers, RSPB, DWT and Natural England attended.

2.3.2 The job description and person specification for the HMOs had been reviewed by the Officer Working Group, EDDC Human Resources, with final versions agreed. In particular, it was recommended that reference to "European" sites was changed to "internationally important" (or similar) in recognition of the recent EU referendum. It was felt that this would prevent confusion and misunderstanding for applicants and media alike.

2.3.3 The HMO positions were advertised on 1st August, with a closing date of 29th August. This is an extended period of advertising to account for the holiday period.

Interviews are scheduled for mid September, with the expectation that both HMOs will be in post by mid October, allowing for any notice periods to be worked. Advertising costs will be included as part of the overall project cost, from JIA funds. Support provided by Human Resources at EDDC will not be subject to a recharge.

2.3.4 James Chubb, new Team Leader (Place) for EDDC Countryside has been identified as the line manager for the HMOs. The Delivery Manager will set strategic objectives and maintain regular, monthly contact with the HMOs via one to one meetings to ensure these objectives are being met.

2.3.5 The interview panel will consist of the primary contacts for each site: Dr Sam Bridgewater (Pebblebed Heaths), Phil Chambers (Dawlish Warren) and James Chubb (EDDC) as well as the Delivery Manager. The Clinton Devon Estates Rolle Estate Office will be the venue, as this also provides easy access to the Pebblebed Heaths for practical tests.

2.3.6 Once in post, the Team Leader (Place) will ensure that the EDDC induction procedures are followed. The Delivery Manager will ensure that the HMOs are introduced to key stakeholders across the three sites within the first two weeks. After that, the HMO's will be expected to integrate more closely with site management staff at the Pebblebeds and at Dawlish Warren. They will work alongside existing staff over a period of weeks to better understand site specific issues and how they are able to best meet their strategic objectives.

2.3.7 The Delivery Manager is investigating the use of body worn cameras, to aid evidence gathering for enforcement purposes. Civil Enforcement Officers at Teignbridge District Council are looking to procure a number of such cameras through the ESPO framework, which meets local government procurement requirements.

2.3.8 IT support will include 2 laptops (including a 4G sim card for mobile working), 2 mobile phones, 2 standard EDDC user accounts and helpdesk support. This will be sourced via Strata Service Solutions Ltd who have been notified and are providing costs.

2.3.9 The remit of the HMOs will be flexible, with continuity of presence at each site throughout the year. Seasonal requirements (breeding birds in spring/summer on the Pebblebeds, waterfowl in autumn/winter on the Exe) will dictate where the HMOs spend the majority of their time but it is important that their presence is continuous across the sites. A ratio of 80:20 provides a guideline to adhere to, where the HMOs would spend 4 days at their primary (seasonal) site and 1 day at the secondary site.

2.3.10 The HMOs work pattern will also need to be flexible, with regular weekend and bank holiday working. Two weekends per month is expected, with a 7 day contract to ensure that issues of overtime, TOIL etc are addressed. The Team Leader (Place) is drawing up a draft rota which will be subject to ongoing review as necessary.

2.3.11 The HMOs will attend key events to promote their work and relay the nature conservation interest of the sites. This will include events such as Heath Week, the Exe Estuary Festival, SANGS promotion events and events organised by the Devon Dogs Project Officer. Local interest groups will also be contacted in order to introduce the HMOs.

2.3.12 HMOs will keep a daily record of locations visited, number of people spoken to, activities witnessed, disturbance events and any enforcement action taken. A form will be available offline and online, which will allow generation of reports to steer future delivery.

2.3.13 Flexibility will also be key in the approaches taken by the HMOs in regard to enforcement and education. For example, TDC have an established position regarding the presence of dogs in certain areas. The Pebblebed Heaths is an area where the requirement for dogs on leads during the bird nesting season has not been formally established. The approach with the greatest chance of success is likely to be one where users are encouraged to behave differently and where other projects such as Devon Dogs work in tandem to achieve this.

2.3.14 Training, where appropriate, will include Break-Away training (personal safety), Police and Criminal Evidence Act (PACE), enforcement/surveillance procedures, data protection, sea survival training, RYA level 2 powerboat and the Community Safety Accreditation Scheme (CSAS) which will designate HMOs with the same powers as a Police constable to request a name and address.

2.3.15 To identify budgets correctly, the HMOs will sit within the EDDC Countryside department, with one additional, distinct cost centre to identify their specific salary and project costs. These costs will be allocated to the service until the financial year end, when it will be reimbursed by developer contributions (shared by TDC, ECC & EDDC).

2.4 Warden Vehicle

2.4.1 Capita Asset Services undertook a vehicle benchmarking exercise on behalf of the Delivery Manager in order to determine the most competitive quotes on a range of 4x4 vehicles.

2.4.2 The benchmarking exercise identified either the Ford Ranger XL or the Toyota Hi Lux as the most cost effective options, being the best value models with the capabilities required to perform its function. However, the Ford Ranger currently has a lead time of 24 weeks which is after the HMOs are expected to start. This would necessitate a short term lease on another vehicle. The Toyota Hi Lux could be delivered by the end of September, in time for the HMOs anticipated start date.

2.4.3 The Delivery Manager is currently obtaining final quotes under the Crown Commercial Service vehicle purchase agreement framework. If the Toyota Hi Lux compares favourably, it is likely that this will be chosen due to the delays related to purchasing the Ford Ranger.

2.5 Dog project

2.5.1 The job description and person specification for the Devon Dogs Project Officer has been reviewed by the Officer Working Group and EDDC Human Resources, with final versions agreed.

2.5.2 Janet Wallace, Principal Environmental Health Officer (PEHO) at EDDC has been identified as the line manager for the Project Officer. The Delivery Manager will set strategic objectives and maintain regular, monthly contact with the HMOs via one to one meetings to ensure these objectives are being met.

2.5.3 The Project Officer role will be advertised on Monday 5th September, with a closing date of Fri 23rd September. Interviews will be scheduled for w/c 10th October, with the expectation that the Project Officer will be in post by mid November, allowing for any notice periods to be worked. Advertising costs will be included as part of the overall project cost, from JIA funds. Support provided by Human Resources at EDDC will not be subject to a recharge

2.5.4 The interview panel will consist of the PEHO and the Delivery Manager.

2.5.5 IT support will include a laptop (including a 4G sim card for mobile working), a mobile phone, a standard EDDC user account and helpdesk support. This will be sourced via Strata Service Solutions Ltd who have been notified and are providing costs.

2.5.6 Once in post, the PEHO will ensure that the EDDC induction procedures are followed. The Delivery Manager will ensure that the Project Officer is introduced to key stakeholders across the three sites within their first two weeks.

2.5.7 In order to secure the domain name for the proposed website, Strata have registered www.devondogs.org.uk. This cost £63.80 and has been allocated to JIA funds.

2.5.8 To identify budgets correctly, the Project Officer will sit within the EDDC Environmental Health department, with one additional, distinct cost centre to identify their specific salary and project costs. These costs will be allocated to the service until the financial year end, when it will be reimbursed by developer contributions (shared by TDC, ECC & EDDC).

2.6 Petalwort translocation & monitoring at Dawlish Warren

2.6.1 The Senior Ranger at Dawlish Warren has written a contract brief for tender to botanists and ecological consultants.

2.6.2 The survey will form a baseline against which further monitoring can take place and will, together with future surveys, inform management of the site to benefit this key species.

2.6.3 Key elements of the monitoring project include:

- Survey and map the current population of Petalwort at Dawlish Warren to establish a baseline. This should include the area between the Visitor Centre and the car park where translocations and trial management techniques have taken place.
- Provide detailed mapping of plant communities in order to determine effectiveness of present management.
- To monitor the success of management trail plots aimed at extending available habitat for Petalwort. Including monitoring and recording the successional development of these plots and the impacts of trampling pressure.
- Determine changes in plant communities within the areas where Petalwort is found to inform any necessary alterations to management in order to maintain this species in favourable condition.
- Assess the impacts of human activities on the species and its habitat.

2.6.4 Outcomes of the monitoring will include:

- A detailed mapping study of the distribution of Petalwort thalli at Dawlish Warren. A suitable scale map will be used e.g. 1:5000 OS map. The extent of the population will be recorded and mapped.
- Details of the composition and percentage cover of other species within the survey area are required. This will inform future surveys of changes taking place that may impact on the population of Petalwort so this information needs to be repeatable.

2.6.5 The tendering process is currently on hold due to the fact that a (Habitat Regulations) appropriate assessment is required on one of the areas of survey. It is not currently known when this will be complete but the intention is to be in a position to begin monitoring in the best recording season which is normally December to April.

2.7 Habitat Regulations Delivery Manager

2.7.1 The Delivery Manager continues in post, working to deliver the 2016 Annual Business Plan and report to the Executive Committee. Other work includes partner authority meetings examining SANGS site selection, potential review of the Strategy and working to achieve consistency in defining infrastructure across the partner authorities.

2.8 Codes of conduct, dog bins, map highlighting sensitive areas and monitoring on the Pebblebed Heaths

2.8.1 Codes of conduct. The Delivery Manager organised a meeting with Dr Sam Bridgewater, Nature Conservation Manager at Clinton Devon Estates, on 27th July 2016. In the meeting, Dr Bridgewater suggested that it should be possible for him to draft the required text for the codes of conduct, which will then be put to the Officer Working Group for comment and amendment in September 2016. They will then go to relevant user groups (contacts are already well established) for consultation.

2.8.1.1 Funding is recommended to further develop these codes of conduct in Year 2 of the 5 Year Delivery Programme. Due to the fact that the initial work to draft the codes will be done by Dr Bridgewater at no charge, it is considered the most effective use of funds if the funding allocated in the 2016 Annual Business Plan is carried over into the relevant Year 2 allocation.

2.8.2 Dog bins. Clinton Devon Estates have already installed a number of dog bins in busy car parks on the Pebblebeds Heaths. This includes one at Uphams car park which is recommended in the Pebblebed Heaths Visitor Management Plan. Dr Bridgewater suggested that as that location was already covered, there may be some value in locating a new one at Bicton South instead.

2.8.2.1 Two dog bins recommended at Bystock and Bystock Pools are within very close proximity and the Delivery Manager will investigate with DWT whether both are actually required. If not, it may be possible to locate one at Aylesbeare Common (managed by the RSPB), which is not currently catered for in the management plan.

2.8.3 Sensitivity maps. There already exist a number of walkers' guides, with (relatively abstract) maps illustrating areas of the Pebblebed Heaths (although Aylesbeare and Harpford Commons are not included). These maps can act as a good baseline, with further work required to determine what is good about them, what should be changed and what is missing.

2.8.3.1 Clinton Devon Estates already have sensitivity maps for each area of land they manage, which provide accurate information on areas of mire as well as Dartford Warbler and Nightjar territories. The intention is that these maps could be overlaid or otherwise incorporated onto the existing walkers guide maps.

2.8.3.2 The maps will need to work in print and online, as well as incorporating an overview map which can be expanded to a series of sub-maps covering specific areas.

2.8.3.3 At the meeting, Dr Bridgewater agreed to lead the work to establish the baseline data and consult with DWT and RSPB regarding any information they could provide regarding particularly sensitive areas on land under their control. The intention is to complete this work by the end of April 2017.

2.8.3.4 When a project brief is complete and all information is collated, the Delivery Manager will obtain 3 separate quotes for graphic design of the maps.

2.8.4 Monitoring Funding to assess and record the state of the path network across the Pebblebed Heaths is recommended in the Visitor Management Plan. It was agreed with Dr Bridgewater that it is necessary to establish a baseline survey which enables path condition to be monitored. It will then be possible to compare in future years and steer delivery of works.

2.8.4.1 It will be necessary and desirable to liaise with existing wardens, path management contractors and Devon County Council Public Rights of Way officers to establish an appropriate monitoring brief and path specification. This is to be arranged during autumn/winter 2016.

Natural England comment:

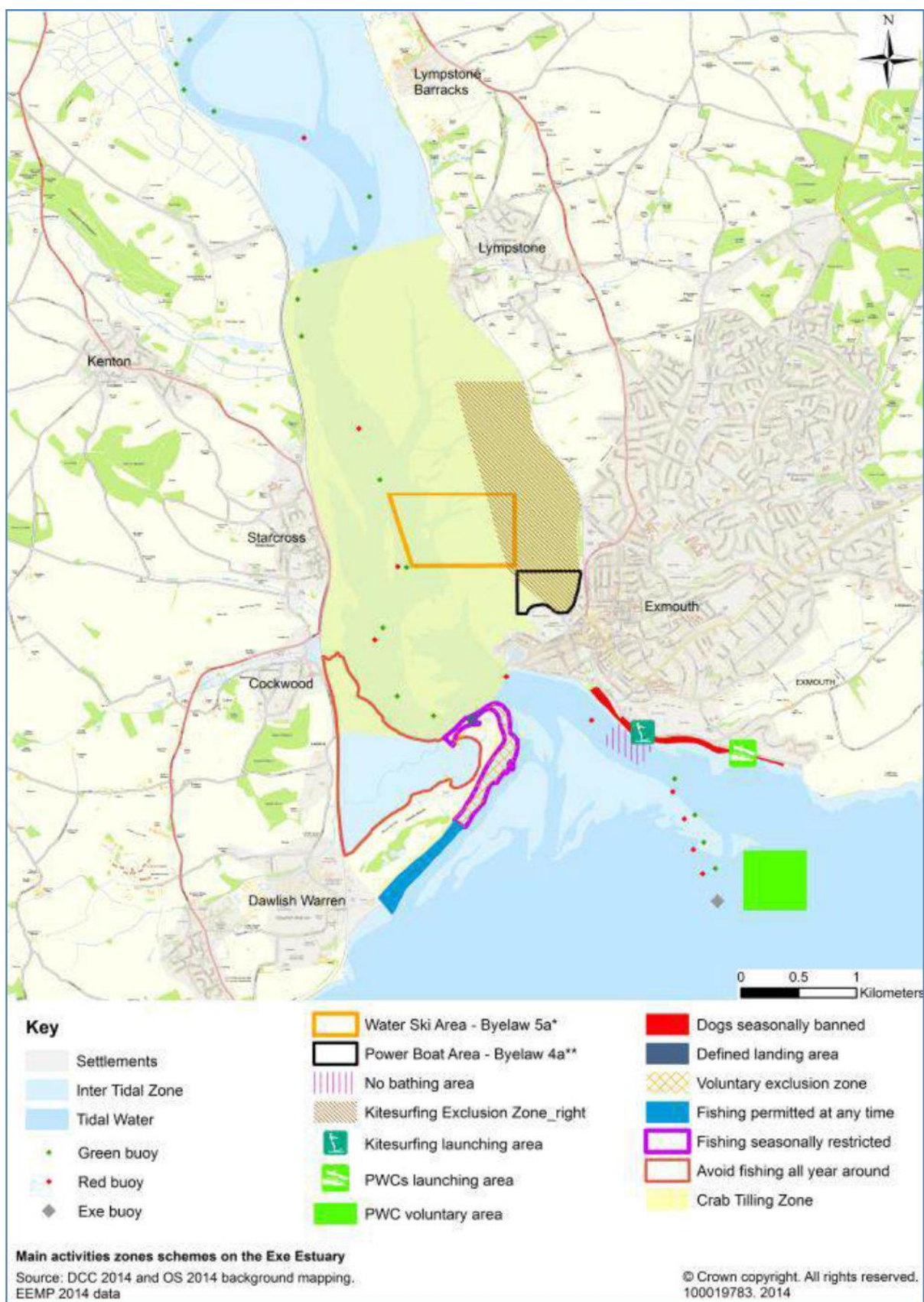
Table 1 – it would be helpful if the mitigation measures were listed by European site / cross-site rather than randomly, to assist consideration of activity across each site.

Neil Harris
Habitat Regulations Delivery Manager

South East Devon
Habitat Regulations
Executive Committee
September 2016

2016 Annual Business Plan Progress Report - Appendix 1 –

Map indicating existing Voluntary Exclusion Zone off Exmouth (from the Exe Estuary Recreational Framework, Exe Estuary Management Partnership, 2014)



2016 Annual Business Plan Progress Report - Appendix 2 –

Map indicating proposed Voluntary Exclusion Zone off Dawlish Warren

(from the Exe Estuary Recreational Framework, Exe Estuary Management Partnership, 2014)

