

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Yarty Room, Blackdown House, Honiton on 27 April 2023

Attendance list at end of document

The meeting started at 2.00 pm and ended at 2.45 pm

112 Public speaking

There were no members of the public registered to speak.

113 Minutes of the previous meeting held on 3 November 2022

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 3 November 2022 were agreed by the committee.

114 Declarations of interest

Cllr Martin Wrigley: personal interest – his property overlooks the estuary and he is a member and Treasurer of Cockwood Boat Club.

Cllr Geoff Jung – Affects non-registerable interest: Member of Woodbury Parish Council, the area of which includes part of the Pebblebed Heath (minutes 117 – 122).

115 Matters of urgency

There were no matters of urgency.

116 Confidential/exempt items

There were none.

117 2022-23 Annual Business Plan - annual report

The Delivery Manager introduced the 2022-23 Annual Business Plan annual report, which outlined the progress made in the delivery of ongoing mitigation measures set out in previous annual business plans and ongoing measures established in the Plan which was approved in May 2022. The following points were highlighted:

- New mitigation measures in progress were set out in Table 2.
- The items for Dawlish Warren, set out in Table 4, were currently on hold due to the Environment Agency work, and this would be considered as part of the developing Mitigation Strategy.

Comments from the Committee included:

- Thanks to all involved for the progress made in so many areas.
- It is right that the mitigation measures for Dawlish Warren should be on hold because the potential consequences of what is being discussed are significant and complex.
- It is understood that the geotube could be removed from the back of the Dawlish Warren in 2025. This will certainly impact on the Dawlish Warren and whole of the Exe estuary,

however there is a large amount of uncertainty and it is not possible to predict what is going to happen and what the impact will be.

- This Committee is concerned with protecting habitat, but there will be other interests that are as important to other people e.g. railways, flooding of residential properties. This Committee will need to ensure that in protecting things that are their responsibility, other organisations do so in a way that does not upset the habitat more than absolutely necessary. The Committee would welcome a steer from Natural England.
- Members were in agreement that they would like this Committee to be involved in development of the new Mitigation Strategy. The Strategy will need to be more flexible than the previous structure, so that the Committee can respond appropriately to the changing situation.

The Principal Solicitor stated that from a legal and governance perspective, the role of this Committee is to deliver the identified mitigation measures set out by the three Councils; it would be for discussions to take place within each of the authorities to explore whether they wish to see the Committee's terms of references broadened, so that it has a different role.

The Committee agreed that it has a responsibility to highlight its concerns and request that the three authorities consider how they want to take this forward, given that the current format cannot work in such a changing environment.

RESOLVED that the Executive Committee

- Requests that the senior leaders of the three authorities meet to discuss how to react to the changing protection of the Exe estuary generally.
- Notes the progress made in delivering the 2022/23 annual business plan
- Notes the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates.

118 **Habitat mitigation team update report**

The team updates were outlined in the report, including:

- There are two Wildlife Wardens in place, one of whom is full time.
- Details of their activities covering October 2022 – March 2023.
- Devon Loves Dogs update covering the period since November 2022, including Waggy Walks, a presentation to the Devon Countryside Access Forum and participation in a Recreational Disturbance & Responsible Recreation Seminar hosted by the RSPB.

Comments from the Committee included:

- Thanks to the team for a helpful report, in the context of the challenges arising from staff changes.
- The Friends of the River Exe group are holding an event in September which is a celebration of the River Exe and the Exe estuary, and this would be an opportunity to demonstrate what the authorities and this Committee are doing.
- The Committee recognised that its values and objectives align with those of the Friends of the River Exe group, and it would be beneficial to work the group as much as possible.

RESOLVED that the Executive Committee:

- Notes the updates provided by the Wildlife Warden and Devon Loves Dogs coordinator.
- Receives a further update at the next meeting of the Executive.
- Encourages the team to explore ways of working with the Friends of the River Exe.

119 **Communications report update**

The Committee received the update report which reviewed the performance against key performance indicators, for the period from March 2022 to February 2023. The Delivery Manager highlighted that the April 2022 results were affected by issues with Google Analytics which is why the data is skewed.

The Committee commended the team for the good work.

RESOLVED that the Executive Committee:

- Notes the results of the communications report for the period March 2022 – February 2023.
- Will receive the next communication report in March 2024.

120 **Finance report**

The Finance report provided a detailed overview of the financial position of the Partnership including the expenditure against budget for the 2022-23 Annual Business Plan and reasons for any variance.

Comments from the Committee included:

- The Committee was pleased to see the new SANGS coming into place.
- The figures are within budget which puts the Partnership in a good position to protect the habitat.

RESOLVED that the Executive Committee:

- Notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed S106 and CIL).
- Notes the expenditure against budget for the 2022-23 Annual Business Plan and reasons given for any variance.

121 **Risk Register update report**

The Delivery Manager introduced the report which provided an overview of all identified risks and plans for how those risks will be treated. The following points were highlighted:

- Rising inflation and the situation in Eastern Europe could affect the housing market in the UK.
- Rising inflation is also affecting the costings of mitigation measures, potentially impacting both income and expenditure.

In discussion, the Committee suggested that the team reconsiders the 'medium' impact rating for risk number 6 – Dawlish Warren coastal realignment – given what might happen and the wider impact on the areas that they are actively trying to protect.

RESOLVED that the Executive Committee

- Notes the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with delivery of the South-east Devon European Site Mitigation Strategy.
- Notes the control measures in place to mitigate the risks identified.
- Receives an updated Risk Register report in 12 months.

122 **2023-24 Annual Business Plan and 5 Year Delivery Plan**

The Delivery Manager introduced the report which set out the annual business plan and the actions proposed to be undertaken by the team, together with an update on the 5 Year Delivery Plan.

The Committee was pleased to see within in the 5 Year Delivery Plan a recommendation to receive a further report relating to the proposed changes to the Mitigation Strategy regarding the Dawlish Warren, and accepted this subject to the recommendation set out at minute 117, that the senior leaders of the three authorities meet to discuss how to react to the changing protection of the Exe estuary generally.

RESOLVED that the Executive Committee:

- Approves the 2023-24 Annual Business Plan (Appendix A) and the commitments and actions set out therein.
- Notes the updated 5 Year Delivery Plan also shown in Appendix A.
- Receives a further report relating to any proposed changes to the mitigation strategy regarding Dawlish Warren and the Exe estuary in relation to the Dawlish Warren Beach Management Scheme. Timing dependent on completion of a review by the Environment Agency.

The Chair thanked everyone for attending and expressed his gratitude to officers and all contributors for their hard work.

Attendance List

Councillors present:

G Jung (Chair) (EDDC)

R Sutton (EDC)

M Wrigley (TDC)

Officers in attendance:

Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Naomi Harnett, Delivery Manager

Also in attendance:

Neil Sherwood, Natural England

Chair:

Date: