

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Axe/Tale Room Blackdown House, East Devon District Council, Honiton EX14 1EJ on 16 July 2019

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.10 pm

11 Public speaking

The Chairman welcomed Chris Rogers who wished to ask the following questions:

1. In view of the 8.8 Million visitors per year why did the statistics show so comparatively few conversations with the public by Habitat Wardens. Was this a missed opportunity in engaging with the public?

Neil Harris, Habitats Regulations Delivery Manager, reported that the figures given for conversations with the public by staff was across the 3 sites which was a large area. The Wardens also went to less frequented parts of the area and did engage with members of the public whenever possible. There was good robust data from Wardens when holding conversations with the public that could be released.

2. On the Exe Estuary trail, why were walkers with dogs not asked more frequently by staff to put their dogs on leads? He walked the trail most days and he had never seen anyone asked to put their dog on a lead in designated areas? What were Wardens doing to get the message to dog owners to put their dogs on leads where they should be?

Neil Harris, Habitats Regulations Delivery Manager, reported that this was a key message Wardens and the Devon Loves Dogs post holder was giving to dog owners.

3. Had the purchase of an electric boat been considered as staff should be looking to reduce carbon emissions as the boat purchased had a powerful engine which would produce high carbon emissions?

Neil Harris, Habitats Regulations Delivery Manager, reported that they had looked at the cost of an electric boat and the petrol outboard motor which came with the boat was appropriate for the size of boat and usage. The extra costs of an electric boat outweighed the advantages.

4. The Footprint Ecology report showed that kayakers and others who used the Estuary engaged in water sports in high winds but he had found it was often the case that they preferred to stay on shore in high winds. What level of monitoring of water sports usage was undertaken?

Neil Harris, Habitats Regulations Delivery Manager, reported that the Footprint Ecology report had encompassed a wide range of weather conditions and tide ranges.

5. Had the Footprint Ecology report considered introducing a test wildlife protection zone for wildlife to see how effective the protection zones had been?

Neil Harris, Habitats Regulations Delivery Manager, reported that there was nowhere appropriate to use as a control zone

12 **Minutes of previous meeting**

The minutes of the meeting of the Committee held on 29 April 2019 were agreed and signed as a true record.

13 **Declarations of interest**

Minute 17 Cllr Martin Wrigley – His house looked over the Estuary. Was a member and treasurer of Cockwood Boat Club.

14 **Exclusion of the Public**

RESOLVED

that the classification given to the documents submitted to the Executive Committee be confirmed there was one item which officers recommended should be dealt with in Part B.

15 **Matters of urgency**

There were no matters of urgency.

16 **Confidential/exempt items**

There was one item which the officers recommended be dealt with in Part B.

17 **Exe Estuary Wildlife Refuges 1st Annual Monitoring report**

The Executive Committee welcomed Phil Saunders and Durwyn Liley from Footprint Ecology who gave a presentation on the Exe Estuary refuge monitoring – 1st Annual report. Members noted that as a Special Protection Area (SPA) regularly supporting a community of at least 20,000 water birds, the Exe Estuary was afforded legal protection against the deterioration of its habitats and disturbances (and distribution) of the species for which it had been designated.

Members noted that disturbance could modify the feeding and roosting habits of protected bird species and place additional energetic stress through increased activity and lost feeding opportunities. This was likely to reduce fitness and survival, particularly if it occurred during periods when they were already stressed by other factors, such as poor weather, food shortage or prior to/after long distance migration. Data in the report confirmed that the refuge areas had been successful. Incursions into refuges which disturbed the wild life were infrequent and statistics on such instances were provided within the report. It was noted that trains on both sides of the Estuary were a potential disturbance event for wild life.

The report provided the results of the first annual report of the Exe Estuary wildlife monitoring programme. Monitoring was ongoing, so the results were interim and would form part of a three year programme to determine the efficacy of the approach to preventing recreational disturbance to the protected bird species on the Exe Estuary. This was 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.

An Executive Committee member asked what was the response to the monitoring work undertaken in the report and how it was going to be used? Neil Harris, Habitats Regulations Manager confirmed that the Wardens would be patrolling the duck pond at Exmouth to prevent incursions.

- RESOLVED**
1. that the initial results from the annual wildlife refuge monitoring report be noted.
 2. that the second annual wildlife refuge monitoring report be received in summer 2020.
 3. that an overarching review of monitoring results be received after completion of the third year of monitoring (2021).

18 **Monitoring Petalwort at Dawlish Warren**

The Executive Committee considered the report of the Habitats Regulations Delivery Manager which suggested that without management intervention there was a high risk that Petalwort may disappear from Dawlish Warren entirely. Petalwort was a small, pale green plant which was one of the special interest features for which Dawlish Warren Special Area of Conservation (SAC) was designated. It was nationally scarce in the UK, being widely but sparsely distributed. Dawlish Warren was one of seven sites in England where the plant was recorded.

It was noted that Petalwort was hard plant to relocate and that the excessive visitor trampling was an issue. Inundation of the water levels at the Warrens was also an issue but not within the scope of the Executive Committee.

RESOLVED

1. that the conservation assessment and prognosis report and the recommendations set out therein be noted.
2. that it be recommended that Teignbridge District Council liaise with Natural England to urgently address the potential risk of losing Petalwort from Dawlish Warren.
3. that the Committee receives an update from Teignbridge District Council at the next meeting.
4. that subject to 2. and 3. above, the Committee receives another report on the conservation assessment of Petalwort in 2022.

19 **Staffing Requirements of the SEDESMS**

The Executive Committee considered the report of Naomi Harnett, Principal Project Manager, Exeter & East Devon Growth Point on the staffing requirements of the South East Devon European Site Migration Strategy. It was noted that if dedicated staff were not in place to continue progressing the delivery of the South East Devon European Site Mitigation Strategy, there was a high risk that the approach would be significantly

compromised and become not fit for purpose. In turn, this would put the delivery of the partner Authorities' Local Plans at very high risk due to their continued legal duties under the Habitats Regulations.

A report had previously been considered by the Executive Committee on 29 April and the resolutions of that meeting had been called-in for further scrutiny by Teignbridge District Council's Overview & Scrutiny Committee. Cllr Martin Wrigley reported that he considered that his concerns expressed at the meeting had not altogether been met by the revised report presented to members and whether the roles of the Habitats Management Officers were effective and doing the right thing; he wanted to see the roles better justified.

This also applied to the Devon Loves Dogs post and particularly the request for the post to be provided with a car to carry out her duties. It was essential that all the roles had built in effective analysis to ensure that they were doing the best thing with the roles.

RESOLVED

1. that the importance of having sufficient staff capacity in place to implement the Mitigation Strategy be acknowledged.
2. that the changes to the employment contracts be re-approved to:
 - a. make the two Habitat Mitigation Officer posts permanent
 - b. extend the funding for the Devon Loves Dogs (DLD) Coordinator for a further 5 years to November 2014
3. that extending the funding for the Habitat Regulations Delivery Manager role for a further 5 years to March 2025 be approved.
4. that changes to the DLD Coordinator and Delivery Manager employment contracts to permanent be approved.
5. that expenditure to secure dedicated monitoring officer and accountancy support be approved.
6. that expenditure to cover the costs of purchasing, maintaining and running a vehicle for the use of the Devon Loves Dogs Coordinator be re-approved, subject to investigations being made in to the purchase of an electric vehicle.
7. that the options for meeting the financial costs associated with these provisions be considered and support for Option 2 be confirmed.
8. that a follow-up paper be received at the next meeting detailing the position regarding funding from the Housing Infrastructure Fund.

20 **Future areas of work**

The Executive Committee considered a possible future areas of work plan. It was agreed that the next meeting would receive a progress report on means of measuring individual mitigation projects. Cllr Martin Wrigley provided verbal details of a future areas of work plan that he would wish to see and would circulate details to all members of the Executive Committee. He would hope to see a report on progress on these areas made to the October meeting. It was accepted that due to the extensive level of work that this would need to be scoped by the Habitats Regulations Delivery Manager due to the workload of those officers involved.

21 **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).

22 **Ongoing Management at South West Exeter and Dawlish SANGS**

The Executive Committee considered the report of the Habitats Regulations Delivery Manager on the significant progress that had been made on SANGS land agreements, acquisition and establishment preparation. It was noted that we were now at a point where the heads of terms between Teignbridge District Council and Land Trust for the funding agreement and long-lease for south-West Exeter SANGS and Dawlish SANGS had reached agreement of virtually all matters. These included break-clauses for delivery on the ground and financially linked to a return of endowment to Teignbridge District Council.

It was noted that securing the in-perpetuity management of SWE and Dawlish SANGS was critical to the success of the South East Devon European Site Mitigation Strategy. Failure to secure any element of the SANGS package would mean that the off-site mitigation requirements of the immediate (and wider) development were not being met.

RESOLVED

that the arrangements that had been developed with Land Trust for securing ongoing management in-perpetuity for the South-West Exeter Suitable Alternative Natural Green Space (SANGS) and the Dawlish SANGS be approved.

The Executive Committee wished to thank Amanda Newsome from Natural England for all her work over the years on behalf of the SEDHREC.

Attendance List

Councillors present:

S Bond (Chairman)
Greg Sheldon
Martin Wrigley

Councillors also present (for some or all the meeting)

Peter Faithful

Officers in attendance:

Neil Harris, Habitats Regulations Delivery Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer) (EDDC)
Amanda Newsome, Natural England
Fergus Pate, Principal Growth Point Officer (TDC)
Estelle Skinner (TDC)
Peter Hearn, Strategic Infrastructure Planning (ECC)
Naomi Harnett, (EDDC)
Chris Lane, Democratic Services (EDDC)
Anne Mountjoy, (EDDC)
Alison Slade, Natural England
Ed Freeman, (EEDC)
Phil Saunders, Footprint Ecology
Durwyn Liley, Footprint Ecology

Apologies:

Cllr Rachel Sutton, Exeter City Council

Henry Gordon Lennox, Strategic Lead – Governance & Licensing

Andy Wood, East of Exeter Projects Director

Chairman

Date: