



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

*Accounting for strategic Suitable Alternative Natural Green Space (SANGS), South West Exeter & Dawlish maintenance funding.*

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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:

The Financial considerations are included within the body of the report and notably included within Appendix 1.

Public Document: No  
Exemption: None  
Review date for release: None

## **Recommendations**

It is proposed that the Executive Committee:

- 1. Notes the continued progress made by Teignbridge District Council (TDC) on delivery of the Suitable Alternative Natural Green Space (SANGS) at South West Exeter (SWE SANGS);**
- 2. Notes the recent completion of the Funding Agreement between Homes England and Devon County Council, legally securing the Housing Infrastructure Fund (HIF) award;**
- 3. Approves the specific funding arrangements detailed below to cover off the Dawlish & SWE SANGS in perpetuity, so that the maintenance arrangements can be legally set in place, including the contributions from each partner authority.**

**Equalities impact: Low**

**Risk: Moderate**

Securing the in-perpetuity management of both Dawlish and SWE SANGS is critical to the overall success of the South East Devon European Site Mitigation Strategy (“the 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.

### **1. Summary**

1.1 Since the last HREC update paper on SANGS progress - in March 2019 - significant progress has continued on the SWE SANGS delivery. Two land transfers have taken place and another is imminent, covering at total of circa 20 hectares (Parcel K, A1 and B), and is on-track for opening to the public by the end of 2020/21. A further 18 hectares is to follow (see Table 1).

1.2 The Delivery Strategy for the site was updated prior to procurement and establishment, which is being led by TDC Green Spaces, following the same effective approach as at Dawlish SANGS. This is allowing for a high-quality delivery, maximising the potential of the site.

1.3 TDC has agreed heads of terms with Land Trust for a long-lease and funding agreement of both Dawlish and South-west Exeter to ensure effective management in-perpetuity. The finalising of the legal agreement for the Housing Infrastructure Fund award for South-west Exeter, including SWE SANGS, means that funding is now secured and we can finalise arrangements for maintenance for both SANGS sites.

### **2. Background**

2.1 The mitigation Strategy proposes SANGS as a form of protected sites mitigation. SANGS are open spaces intended to divert some visitors away from internationally important wildlife sites and thus mitigate the risk of enhanced impacts associated with population increase.

2.2 The Habitat Regulations Partnership Strategy for South-East Devon identifies four broad locations for SANGS, including one site to the South-west of Exeter and one in Dawlish. These are strategic sites and the benefits of the SANGS therefore relate to development in Exeter, East Devon and Teignbridge. However, as two of the sites are situated within Teignbridge, there is a slightly greater partnership contribution from TDC.

2.3 Dawlish SANGS was the first to be delivered, and opened to the public in the latter part of 2017. The site has been welcomed by local residents and wider visitors, and the data counters indicate good visitor numbers throughout the year, with the car park at times coming close to capacity. Despite its popularity, the scale of the site means that its necessary semi-natural feel is retained and visitors have space to walk and enjoy an uncrowded setting.

2.4 The Dawlish SANGS won an award from RTPi in 2018 for the quality and effectiveness of the site delivery, and the joined-up working that led to its existence. There has been community involvement in selecting species for and planting the orchard trees, there have been popular events relating to the heritage, value and purpose of the site, and there are occasional ranger day events to enable community involvement in manageable tasks related to caring for the site. There have also been some local nature gains, including a rare arable plant conservation project (small-flowered catchfly) and a notable increase in cirl bunting numbers.

2.5 Dawlish SANGS has now been up and running successfully for three years, under the notably good-quality management by TDC Greenspaces Team. This means it is coming to the end of the period of using the Section106 maintenance funding that was designed to provide for the early years site maintenance (3-years) only, until long-term arrangements were set in place to secure the continued operation of the site in the most effective way.

2.6 Production of the SWE SANGS Masterplan (Delivery Strategy) began in 2016, and was prepared with input from landscape and ecology professionals, representatives from Natural England and RSPB. This has been regularly updated as more information has been gathered on-the-ground during site establishment. The amount of car parking spaces proposed was increased to approximately 65, to reflect the strategic nature of the site. In 2018, TDC began setting land agreements in place with developers to secure Parcels of land that form part of the SWE SANGS allocation (SWE3 in the TDC Local Plan). These land Parcels are detailed in Table 1.

2.7 TDC progressed Change of Use planning applications for the first Parcels of SANGS land and, during the latter part of 2019, began establishing these as SANGS. Establishment tasks such as boundary fencing, orchard planting, hedgerow reinforcement, stream modification (to remove culvert and expand wetland habitat), durable wooden gateways and map/information boards design and production have been completed. Interpretation features are still underway.

2.8 The SWE SANGS is on-track for opening of the first 20 hectares to the public by the end of 2020/21. One of the developers is due to provide the first SANGS car park, and this is just awaiting determination of a Change of Use planning application and then instatement can begin. This will accommodate 17 standard vehicles. The second car park will be available once another SWE developer has completed Phase 1 of their development, approximately 18-months from now, and two further car parks will follow and are expected by 2024. This means a final capacity of approximately 65-spaces, supporting for the strategic nature of this SANGS. There will also be a notable amount of pedestrian access potential for SWE SANGS, once new houses are built and occupied in the development land adjacent to this SANGS.

**Table 1:** Developers, SANGS Parcels and Timescales at SW Exeter

<b>Developer / Land Owner</b>	<b>SANGS Land Area (approx. ha)</b>	<b>Anticipated / Acquired Timescale</b>
Westcountry Land, Parcel K	4	April 2019, acquired
Vistry, Parcel A1	12	Sept 2019, acquired
Cavanna, Parcel B	4.5	Oct 2020, almost completed land transfer
Parcel D	4.5	2021 – 2022, principles agreed for land transfer, legal agreement to follow
Vistry (landfill area), Parcel A3, and also A2	13	2023 – 2024, legal land agreement in place, transfer is once landfill fully restored
Further allocated SANGS land, SWE3 in TDC Local Plan	30	Not intended for delivery at this time, but could potentially come on-stream if needed in future
<b>Total</b>	<b>38 hectares</b>	

2.9 Appendix 2 provides a map of the site in the context of a phasing plan.

### **3. Ongoing management and maintenance**

3.1 A soft market test was carried out during spring 2018 and Land Trust were the only organisation able to offer an endowment backed approach for in-perpetuity management of the SANGS. Land Trust have a good understanding and experience of managing SANGS and as a charity their goals are to provide quality greenspace for the public and for the environment.

3.2 TDC and Land Trust have agreed heads of terms and a funding agreement for long-lease of the SANGS at both Dawlish and SWE. This will include the ability to terminate from the contract if the Land Trust financial status drops below a reasonable level (they are currently at 100%). The lease and funding agreement will also allow TDC to terminate the contract if Land Trust are not delivering continued good quality on the ground, in-line with the Masterplan (Delivery Strategy). Under the terms of this agreement, there is also a requirement for endowment funding (at its value at that point in time) to be reimbursed in the event that either of the circumstances described above come to pass, or when the Contract expires.

3.3 The long-lease will be set in place for 999-years. This will allow ongoing management to be secured truly in-perpetuity.

3.4 Natural England are in support of the 999-year long-lease and endowment-backed approach with Land Trust, for securing in-perpetuity maintenance, as expected for SANGS.

3.5 Land Trust are keen to retain TDC Green Spaces as the day-to-day onsite managers, at least for the first few years and continuing if they remain the best option.

3.6 Following Covid19, TDC's finance team discussed any impacts on the agreement and on Land Trusts operations with the Land Trust's finance manager. Land Trust do not predict any circumstances where they cannot continue to maintain their greenspace sites effectively. They have continued to operate and take on new sites following lockdown, they have spread their investment a little more to further enhance resilience and they have a notable contingency.

## 4. Funding Arrangements

4.1 A reassessment of the assumptions made in the mitigation Strategy relating to the likely number of new homes that would come forward and the potential cost of the mitigation measures was reported to the Executive in July 2017.

4.2 This reassessment required that funding arrangements for the mitigation Strategy were re-validated so that delivery of the mitigation projects could continue. Accordingly, the Executive Committee approved the revised per dwelling developer contributions set out in the appendices to the July 2017 report (and in Appendix 1 of this October 2020 report, Table 1).

4.3 This illustrated the revised contribution percentages required for the strategic provision of Suitable Alternative Natural Greenspace (SANGS). This included Dawlish Countryside Park, South West Exeter and another in development at EDDC.

4.4 Table 2, below, shows the apportionment of total SANGS costs per authority in July 2017, according to the reported financial position and number of dwellings yet to contribute. The cost of delivery has increased with inflation, but the percentages of contributions have been retained in this October 2020 recommended, as in Table 2 below (and in Appendix 1, Table 2). Teignbridge has a higher percentage of contribution as there are two SANGS sites within their district.

4.5 In 2019, the SANGS at South West Exeter urban extension was included in Devon County Council's successful bid for the Homes England Housing Infrastructure Fund (HIF) award. Now that the funding agreement has been legally completed, it is considered an appropriate time to put forward recommendations concerning the reapportionment of total strategic SANGS costs.

4.6 To retain equity between the partner authorities, it is recommended that the reapportionment of costs accords with the same percentage split as before the HIF award. This shown in Table 2, below (and in Appendix 1, Table 3):

**Table 2. Partner authority overall contribution to strategic SANGS.**

LPA	Total SANGS contribution %
ECC	29.16%
EDDC	27.62%
TDC	43.21%
<b>Total</b>	<b>100%</b>

## **5. Conclusion.**

5.1 This report draws together and proposes final arrangements to conclude the strategic delivery of SANGS as set out in the mitigation Strategy. As a result of the HIF award and successful partnership with the Land Trust, the strategic “off-site” approach to mitigation will be secured in perpetuity. Appendix 1 outlines significant reductions to the amounts required from the CIL budgets of each partner authority which enables funding to be released for other items of priority infrastructure.

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**Neil Harris  
Habitat Regulations Delivery Manager**

**South East Devon  
Habitat Regulations  
Executive Committee**

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**Natural England comment:**

We welcome the significant progress made on providing and securing maintenance in perpetuity for the SANGS on the west bank of the Exe.