



SOUTH EAST DEVON  
HABITAT REGULATIONS  
PARTNERSHIP

# South East Devon Habitat Regulations Executive Committee

*2022-23 Annual Business Plan and 5Yr Delivery Plan*

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Growth, Development & Prosperity,  
East Devon District Council  
April 2022*



**Exeter**  
City Council



Legal comment/advice:

There is no direct comment to be made in relation to this report, each and any individual issue will need to be considered as it arises.

Finance comment/advice:

The financial implications are set out in the report.

<b>Public Document:</b>	Yes
<b>Exemption:</b>	None
<b>Review date for release</b>	None

## Recommendations

It is proposed that the Executive Committee:

1. Approves the 2022-23 Annual Business Plan (Appendix A) and the commitments and actions set out therein.
2. Notes the updated 5 Year Delivery Plan also shown in Appendix A.
3. 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.

Equalities impact: Low

Risk: High.

If the 2022-23 Annual Business Plan is not approved there is a high risk that the delivery of the South East Devon European Site Mitigation Strategy would be significantly compromised or delayed. This would put the delivery of the partner Authorities' Local Plans at risk due to their continued legal duties under the Habitat Regulations.

### 1. Summary

1.1 This paper sets out the principles for the projects which have been recommended as a priority for delivery over the next 12 months by the Habitat Regulations Delivery Manager. These recommendations have been reviewed and agreed by the respective organisations which constitute the Officer Working Group. These projects are contained within the attached Appendix A as the Annual Business Plan (ABP).

1.2 Whilst Covid 19 restrictions have been lifted, there is still a degree of uncertainty as to whether new impacts will emerge from a resurgence or new variant of the virus. Further delay or interruption to delivery cannot be ruled out and there has been careful consideration of revised income forecasts to decide upon the most appropriate course of action with the best available information.

1.3 The ABP has been incorporated into an updated 5 year delivery plan, also contained within the attached Appendix A. This therefore sets out an indicative programme and budget forecast for the short and medium term.

1.4 As with previous business plans, it is important to note that a number of measures included in the 5 year plan are dependent on the continued success (or otherwise) of established measures, such as the Exe Estuary wildlife refuges. Accordingly, projects earmarked for 2023-27 of the 5 year plan should be read in this context, as an indicative guide, rather than a prescription.

1.5 Using the balance of receipts and income forecast from issued planning permissions, measures from the mitigation Strategy (“the Strategy”) are allocated according to the available budget, logical progression of related projects and, where still appropriate, delivery timescales as recommended in the Strategy.

1.6 The last line of each year’s spreadsheet (termed “Balance less expenditure”) in Appendix A refers to the *potential* carry-forward of income once the projected income (3<sup>rd</sup> line of each spreadsheet) has been received and after allowing for the recommended expenditure. This potential carry-forward is in effect an ongoing fund which sets aside revenue income over a period of time to fund the ongoing mitigation projects over their intended 80 year lifespan. This is to ensure mitigation in-perpetuity as per the Strategy remit.

1.7 Measures recommended in the 2022/23 ABP seek to maintain and build on the projects delivered in the preceding plans, such as the third and final phase of the Pebblebed Heaths visitor access improvements. The timing of delivery of these projects is guided by the updated 5 year Delivery Plan and where there is logic or merit in the sequential, co-ordinated delivery of mitigation projects, seeks to build on work already completed (or due for completion).

## **2.0 Dawlish Warren / Beach Management Scheme**

2.1 By now, members will be familiar with the Beach Management Scheme (BMS) review at Dawlish Warren currently underway by the Environment Agency (EA).

2.2 A pause in any new significant spend on projects at Dawlish Warren which could potentially be affected by further storm action or erosion at the distal end of the Warren in the short to medium term is still in effect. This is intended to ensure that investments are as effective as possible, both in terms of cost and mitigation impact.

2.3 The EA review of the BMS is now consulting with stakeholders about a number of different options at the Warren. Therefore it remains a work in progress and still too early to make further recommendations to the Committee.

2.4 This review remains critical to understanding what further changes might be anticipated, over what timescale, what management is proposed for the site and how this might affect the mitigation strategy. A future report to the Committee will enable a plan for the future to deliver cost-effective mitigation and ensure that the authorities continue to meet their legal obligations

2.5 Whilst a pause in significant spend remains prudent, there are three items of smaller investment which concern ongoing monitoring of key species and habitat present onsite.

2.6 One of the key species found at Dawlish Warren is Petalwort, an Annex II species<sup>1</sup> under the Special Area of Conservation (SAC) designation that covers the reserve. As previously reported<sup>2</sup>, it is considered highly likely that without intervention and monitoring, this key species may disappear from the site entirely.

2.7 Whilst the site Rangers continue to progress attempts at translocating samples of the plant<sup>3</sup> to trial areas of the site, it is 3 years since the 2019 report. Following the recommended Strategy monitoring timeframe, it is recommended that an updated petalwort monitoring report is funded to provide an up to date assessment of the plant at the Warren. Estimated cost: £3000.

2.8 Similarly, it has been 3 years since a botanical survey<sup>4</sup> of the Warren was conducted and regular monitoring of vegetation is recommended. Using the methodology and baseline results from the previous survey, it will be possible to identify any emerging trends in terms of visitor pressure from fertility (dog fouling) and/or trampling. This enables an ongoing review of any particular areas which would benefit from management/access intervention. Estimated cost: £5000.

2.9 The Rangers have reported evolving pressures around the site, with lowering of beach levels along the coastal shoreline resulting in large numbers of people, notably summer beach visitors looking for dry sandy areas within the dunes, particularly around high water. This can have a significant negative impact on developing strandline and mobile dune ecological communities. Fencing along the front already exists, but much of this is plain post and wire which some visitors are climbing through to set up for the day. The erection of chestnut paling will help to reduce this happening.

2.10 In addition the changing foreshore has altered where the protected bird flocks can roost, with more now utilising the estuary shoreline. These roosts are particularly vulnerable to disturbance from visitors walking the shoreline. The Rangers require paling to protect the most important, and vulnerable roosts, particularly at the distal end of the sandspit. Estimated cost: £1500

**Proposed spend: £9500, comprised of:**

Petalwort monitoring - £3000

Botanical survey - £5000

Fencing - £1500

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<sup>1</sup> A list of species which have priority status (a priority species is one in danger of disappearance and for which there is a particular responsibility to conserve).

<sup>2</sup> Monitoring Petalwort at Dawlish Warren, July 2019

<sup>3</sup> See Annual Business Plan Progress report, April 2022

<sup>4</sup> Dawlish Warren NNR botanical survey 2019

### **3. Exe Estuary leaflets and Personal Aircraft Code of Conduct.**

3.1 There are some excellent existing leaflets for the Exe Estuary, including the Exe Explorer, an Exe Activities leaflet and an Exe Wildlife leaflet, and these are widely distributed and available for download from the Exe Estuary Management Partnership (EEMP) Website.

3.2 The leaflets currently include a map of the estuary and information on where to go, sources of additional information and guidance. The leaflet include a map of the zones and a section on avoiding disturbance to wildlife. There is cross reference to codes of conduct and information for users wanting to undertake particular activities. This leaflet works particularly well as an overview and has a good balance of promoting the estuary, providing information and guiding visitors on how to behave to minimise their impacts.

3.3 Although the leaflets have been updated in respect of the Exe wildlife refuges and codes of conduct, it is recommended that this can be improved to ensure key mitigation messages are included. It is necessary to ensure the leaflets stay 'live'. Estimated cost for updates and reprints: £6,000.

3.4 Codes of conduct set out clearly how users undertaking a particular activity should behave and are most relevant to sporting activities. Developing good, clear codes with user groups ensures that safety issues, insurance, consideration of other users and nature conservation issues can be accommodated, ensuring users can enjoy their chosen activities while minimising any impacts.

3.5 There have been ongoing reports of aerial disturbance to migratory birds on the Exe Estuary over the last few years. The creation of a code of conduct can provide guidance on how to behave to minimise these impacts and can be created as part of the existing suite of codes of conduct identified in the Strategy.

3.6 It is proposed that the EEMP, working alongside the Habitat Regulations Delivery Manager, would work with Natural England and other partners in a coordinated manner. This would involve engaging with local clubs and organisations to ensure their input into the project, to align with existing best practice. The EEMP has already established contact with an individual involved with recent disturbance incidents, who is keen to address this issue through a code of conduct and promotion via local clubs.

3.7 Since the EEMP were commissioned by the Executive Committee to create the existing suite of Exe Estuary codes, they are well placed to create the Code of Conduct for Personal Aircraft (including drones) in a cost and time effective manner. This would also ensure consistency with existing codes in terms of the design and content. The new code will be written in a friendly style, whilst promoting key messages in a manner compatible with the overall objectives of both the Mitigation Strategy and the Exe Estuary Management Plan.

3.8 The Exe Estuary Officer would ensure that the code of conduct receives approval from both the Executive Committee and the EEMP. Two options are offered for the undertaking of this work, either a focussed consultation with the stakeholders involved with this specialist activity, or a wider public consultation. Details and quotes for the two options are included in Appendix B for consideration of the HREC.

3.9 Having considered the scope of the proposal and both options, the officer working group recommends option 1 (focussed consultation with specific stakeholders) to the Executive Committee. However, should members wish to conduct a wider consultation, this option is also costed.

**Recommended option estimate: £1,534. (Option 2 estimate: £2850).**

Proposed spend: £7,534 (or £8,850), comprised of:

Exe leaflets update and reprint - £6,000.

Personal aircraft code of conduct - £1,534 (or £2,850)

#### **4.0 Pebblebed Heaths visitor access improvements.**

4.1 As reported separately, Phase 1 of the visitor access improvement works are completed, with Phase 2 awaiting planning approval at East Devon District Council.

4.2 A phased approach achieves a number of different objectives in terms of objectives, preparation, implementation and communication:

- Allows prioritisation of works which encourage visitors towards car parks where habitats are more robust and away from more dispersed access points.
- Economies of scale can be achieved in terms of materials and labour.
- Tenders become more attractive due to the amount of expenditure.
- Proposed phasing of works would appeal to different sized contractors.
- Budget can be allocated without risking funding needed to ensure ongoing delivery of other projects.
- Phased improvements enable continued access to the heaths with as little disruption as possible.
- Works can be organised so as to provide significant improvements prior to any scheduled restrictions of access in other areas of the heaths.
- Planning applications can apply to whole phases rather than per proposal.
- Communication to visitors and other arrangements about the works can be more easily co-ordinated.
- A clear, phased communications plan can be implemented to inform the wider public about the works and act as a reminder for why they are needed.

4.3 With works on the ground to implement phase 2 anticipated in summer/autumn 2022 and funding secured<sup>5</sup>, it is timely and appropriate to undertake phase 2 improvements this year. Appendix C illustrates the proposed schedule of improvements and the estimated budget requirements per year.

4.4 As is the case throughout the scheme, cost estimates include a 15% consultancy fee in order to cover project management of all aspects of the works. This is considered a reasonable allowance based on experience of previous phases and other engineering projects of a similar scale and complexity.

4.5 This fee includes design development, planning support, appointment/overview of contractors to undertake the work, liaison with the Delivery Manager and Pebblebed Heaths site manager and a contingency reserve. Issues of capacity and staff resource prohibit both Clinton Devon Estates and EDDC from undertaking the project management work itself.

4.6 Appendix D is included in order to provide an overview of the current situation at each site and the intended end result. Appendix E provides an overview map of the whole of the East Devon Pebblebed Heaths SPA/SAC.

4.7 According to the principles established in the Visitor Access Advisory Report<sup>6</sup> the proposals remain focused on improving surfacing, layout, signage and entrance points to the heaths. They are aimed at making areas safer to access, easier to park and easier to find, whilst at the same time enabling greater communication of key messages and therefore promoting positive behavioural change.

**Proposed spend: £175,859, comprised of:**

Works to car parks – Phase 3 - up to £175,859

## **5.0 Conclusion**

5.1 This paper seeks approval for the 2022/23 Annual Business Plan in the context of an updated 5 year Delivery Plan.

5.2 Further work remains in order to fully understand the current (and likely future) situation at Dawlish Warren and the Exe estuary. Any potential implications for the protected sites as they relate to the mitigation Strategy will be the subject of a future report to the Executive, following discussion between relevant organisations including the EA, Natural England, TDC, Devon Wildlife Trust and the Exe Estuary Management Partnership.

5.3 The recommendations also build on previous reports relating to behavioural change initiatives and survey work on the East Devon Pebblebed Heaths.

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<sup>5</sup> See also 2022 Financial Report.

<sup>6</sup> See East Devon Pebblebed Heaths visitor access consultation, Jan 2020.



**Growth, Development and Prosperity**  
**East Devon District Council,**

**April 2022**

Natural England comment:

Natural England is currently awaiting confirmation of funding for SSSI improvement projects from Defra. We understand that a bid will be made for funding the translocation of petalwort, but the bid will be competing with other project proposals. The proposed repeat of the petalwort survey is welcomed.