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## **South East Devon Wildlife - Joint Habitats Site Mitigation Strategy - 2025 to 2030**

### **Report summary:**

Three sites in south east Devon, the Exe Estuary, the Pebblebed Heaths and Dawlish Warren fall in the highest tier of protected wildlife sites in the UK. In the absence of mitigation, Habitat Regulation Assessment work has shown that unacceptable adverse impacts would arise at these sites on account of recreational pressure and this would be reason to not allow the development to go ahead. East Devon District Council, Teignbridge District Council and Exeter City Council have been working in partnership since the early 2010's to define and deliver mitigation measures.

In 2014 a mitigation strategy was approved by the three local authority partners and this has led to an extensive range of measures being implemented that have successfully ensured new development can go ahead. We have now reached a point where we need a new mitigation strategy, which is appended to this report. Endorsement is being sought from the three constituent local authorities (East Devon, Exeter and Teignbridge) for the new strategy in order to ensure that effective and coordinated mitigation can be implemented in the period from 2025 to 2030.

This report has been produced jointly by officers of the three authorities and will be replicated for each council, with minor edits to accord with differing report templates used by the separate councils. For East Devon District Council the report is first going to Strategic Planning Committee with that committee being asked to endorse a recommendation to Cabinet for adoption of the strategy (noting that constitutional responsibility falls to Cabinet).

### **Is the proposed decision in accordance with:**

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### **Recommendation:**

That Strategic Planning Committee recommend to Cabinet that the South East Devon Wildlife Joint Habitats Site Mitigation Strategy - 2025 to 2030 be adopted.

### **Reason for recommendation:**

To ensure that we have a robust joint mitigation strategy in place so that the collective and cumulative impacts from new development can be mitigated in the most effective and efficient manner.

Officer: Ed Freeman – Assistant Director Planning Strategy and Development Management

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Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☐ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☒ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

## **Equalities impact**

Low

**Climate change** Low Impact

**Risk:** No specific risk impacts are identified.

**Links to background information** Links are contained in the body of the report.

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☒ A supported and engaged community
  - ☒ Carbon neutrality and ecological recovery
  - ☐ Resilient economy that supports local business
  - ☐ Financially secure and improving quality of services
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## **1 Need for a mitigation strategy**

- 1.1 Plans and projects that may adversely impact on European sites, (the highest tier of wildlife sites in the UK and across member states of the European Union), need to be subject to assessment under the Habitat Regulations. Government guidance on assessment under the Habitat Regulations can be found at: [Habitats regulations assessments: protecting a European site - GOV.UK](#)
- 1.2 In south east Devon there are three specific designated sites where the impacts of new built development (particularly new housing development), as set out in local plans, has the potential to result in adverse impacts. The designated wildlife sites are:
  - The Exe Estuary - Special Protection Area/Ramsar.
  - Dawlish Warren - Special Area of Conservation.
  - The East Devon Pebblebed Heaths - Special Area of Conservation and Special Protection Area
- 1.3 Parts of the Exe Estuary fall within administrative areas of East Devon, Teignbridge and Exeter. Dawlish Warren, in Teignbridge, abuts the Estuary and the Pebblebed Heaths, in East Devon, lie close by and to the east of the Estuary.

- 1.4 Special Protection Areas (SPAs) are important for rare and vulnerable birds because they rely on them for breeding, feeding, wintering or on migration. Special Areas of Conservation (SACs) are designated to conserve natural habitats and species that are considered to be under serious threat. Rare and vulnerable animals, plants and habitats have increased protection and management objectives within these sites.
- 1.5 Previous assessment work undertaken for the three local planning authorities has identified that adverse impacts would arise from development if not mitigated. Government guidance on assessment under the Habitat Regulations can be found at: [Habitats regulations assessments: protecting a European site - GOV.UK](#)
- 1.6 The adverse impacts arise as a result of the people living in new homes built, within a ten kilometre catchment of the designated sites, accessing and using the designated sites for recreational purposes and such use leading to unacceptable negative impacts. The concern also applies to some tourism accommodation and may be applicable for other built uses. To allow development to go ahead it has been established that mitigation measures need to be delivered. As the sites lie in close proximity to one another, and the catchment areas for differing sites cross local authority boundaries, it has been deemed appropriate and desirable for the three local authorities to work in partnership on understanding and providing solutions to allow development to go ahead.

## **2 South East Devon Wildlife and the existing strategy**

- 2.1 The joint approach to mitigation delivery is now implemented under the umbrella of the joint local authority organisation - 'South East Devon Wildlife', for more information see: [South East Devon Wildlife](#). The joint mitigation approach was first agreed on the strength of the initial mitigation strategy from 2014, see, on the East Devon District Council website: [env-011-south-east-devon-european-site-mitigation-strategy-2014.pdf](#)
- 2.2 The existing joint mitigation strategy has led to a range of projects and initiatives being implemented to ensure that development that would otherwise lead to adverse impacts can go ahead. South West Devon Wildlife has a staff resource that undertake and coordinate delivery and they work with a range of partners and volunteers to include – The Pebblebed Conservation trust, Devon Wildlife Trust, The RSPB, the Exe Estuary partnership and officers and teams of the constituent local authorities themselves.
- 2.3 It should be noted that the joint mitigation strategy allows for development projects to go ahead without detailed bespoke work under the Habitat Regulations, being undertaken.. The strategic approach simplifies matters for developers, but development project specific assessment and mitigation could come forward outside of the joint strategic approach.

## **3 The new mitigation strategy**

- 3.1 Whilst the existing strategy has ensured that successful mitigation has been delivered to date all of the constituent local authorities have new local plans in production. As these plans set out new housing delivery requirements a new joint mitigation strategy is required. Collective agreement was reached on commissioning a new strategy and through joint officer working

and engagement with partners and stakeholders the new strategy has been completed and approval from the three local authorities is now sought for its adoption.

3.2 The new strategy is appended to this report.

## 4 The new strategy compared to the existing one

4.1 The new strategy builds on the great work done to date and rolls forward much of this. We would encourage committee members to review the new strategy. Below we contrast key aspects of the new strategy with the existing so that changes and evolution in thinking can be noted.

4.2 As a starting point it is important to understand the scale of development that new local plans are providing for and which needs to mitigate, it is a very significant level of development and in the absence of mitigation the new plans would fail in their journey to adoption. In the period from 2025 to 2040 (i.e. a period that extends beyond the strategy life of 2030, ) the three local authorities, within the 10 kilometre catchment, are predicting completion of around 29,100 new homes, that is approximately 2,000 per year.

4.3 Mitigation to be provided under the new strategy will take the form of:

- **On site** mitigation measures– management and access measures and activities, with wardens to help operate and run these and positively engage with site users. These on-site activities go under the heading of Strategic Access Management and Monitoring (SAMM) measures.
- **Off site mitigation measures** – these occur off or away from the designated site – most notable is the provision of what are termed as Suitable Alternative Natural Greenspaces (SANGs). These are new or enhanced green spaces used for recreation purposes that will provide an alternative (alternative to the designated sites) area for recreational activity. By drawing in users SANGs will reduce use/pressure on designated sites. The new strategy also provides for the delivery of a range of discrete projects aimed at enhancing existing access and tailored to local needs and specific circumstance.

4.4 Some of the measures that are implemented are shorter term and others longer, notably the SANGs are longer term initiatives.

4.5 The new strategy covers the five years from 2025 to 2030. It is envisaged that it will need reviewing on a rolling 5 year basis, i.e. an update will be needed in 2030. Though at that point we may be under a new unitary local Government regime. Potentially more important (for the sites and their management and use) is, however, the fact that the Government have highlighted possible regime changes to the way that mitigation at and for designated wildlife sites may be delivered - under the Planning and Infrastructure Bill amendments to Habitats Regulations (Nature Restoration Fund). With an onus on Government agencies taking a more fundamental lead role.

- 4.6 Under the new strategy there will be an increase in the staff resource to secure mitigation. The existing wardens are under very high and demanding workloads and safety considerations place constraints and limitations on the work they do and the way they work and the coverage they provide. The wardens deliver a very high quality and highly committed customer focussed service, but expansion of the staff resource is needed given the new and increasing pressures the sites face.
- 4.7 There is also a newly created green space project officer post noting that identification of sites for SANGs, and securing their implementation and delivery, has been a major challenge and has drawn on considerable amounts of officer time at the authorities. The new post will ensure this crucial part of the work gets the dedicated staff resource that is essential. The new strategy, to complement SANGs, also provides for improvements to promote access and enhance existing land away from the European sites. Such works will need to show that they reduce use and pressure on the designated wildlife sites. There is also, new for this strategy, a flexible “special projects pot” funding for site specific mitigation identified as appropriate and desirable, this flexible pot will complement and work with defined specific projects in the strategy.
- 4.8 To pay for mitigation measures contributions are sought from new housing developments on a per dwelling basis, and under the new strategy these will increase. The changes reflect a general increase in costs but also, and more importantly, the original strategy was written and costed without the full benefit of, and practical realisation, of the scale of costs involved. Many of these costs have proved to be substantially higher than the original cost estimates, especially when on-going and longer term maintenance and management costs are factored into initial capital costings. Further work is continuing to establish the new per dwelling contribution that will be needed to cover strategy costs.

## **5 Next Steps for implementation of the new strategy**

- 5.1 Whilst this report summarises and seeks approval for the new strategy it does not specify per dwelling contributions that will need to be sought or recommend a specific start date. A further report is planned once more details are agreed. The expectation and intent is, however, that all authorities will agree per dwelling contributions and a date when the new strategy will come in to effect and at that point actions and charges will be based on the new strategy and the older one will be retired.
- 5.2 Final decisions on detail and timing of actions on mitigation will remain to be determined through the joint committee that will continue to run, as has now been the case over a number of years.
- 5.3 The new strategy, as well as setting out the delivery of mitigation, will give planning inspectors, at local plan examination, evidence that mitigation can and will be delivered and therefore that plans are sound and robust in their make-up in this respect.
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**Financial implications:**

The strategy has been produced by Footprint Ecology in conjunction with the mitigation team. Fees for development are substantially increasing to cover the Habitat Regulation Assessment work of adverse impacts on the 3 areas of designation over the next 80 years. (AB/08/05/2025)

**Legal implications:**

There are no direct legal implications identified within the report (002533/06 May 2025/DH)