

Report to: **Strategic Planning Committee**



Date of Meeting 3rd March 2026

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Habitat Regulation Non-Infrastructure Contributions

Report summary:

The Council currently collects financial contributions from residential developments within 10km of the Exe Estuary and East Devon Pebblebed Heaths to contribute to the joint mitigation strategy to address the recreational impacts of these developments on the protected habitats. A new strategy was adopted in July 2025 and the financial contributions collected per dwelling need to increase to reflect the additional costs involved in delivering the new strategy.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Strategic Planning Committee agree that the revised non-infrastructure habitat mitigation contributions as shown in table 3 within the report are adopted and required for all planning applications for residential development within the habitat mitigation zone received after 1st April 2026.

Reason for recommendation:

To ensure that there is sufficient funding to deliver the new mitigation strategy to protect the Exe Estuary and Pebblebed Heaths from the recreational impacts of residential development.

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

Portfolio(s) (check which apply):

- Assets and Economy
- Communications and Democracy
- Council, Corporate and External Engagement
- Culture, Leisure, Sport and Tourism
- Environment - Nature and Climate
- Environment - Operational
- Finance
- Place, Infrastructure and Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [2. S E Devon Habitat sites mitigation strategy 2025-30 Ver 02.pdf](#) [2a. Appendix 1 SE Devon Mitigation Strategy Final 220125.pdf](#)

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

1.0 Background

- 1.1 The Exe Estuary, Pebblebed Heaths and Dawlish Warren are Protected Wildlife Sites that have strong legal protection and the Council must not grant planning permission unless any harmful effects will be fully mitigated.
- 1.2 The Conservation of Habitats and Species Regulations 2017 sets out how we must deal with planning applications that have potential to impact on wildlife sites (Special Protected Areas, Special Areas of Conservation and Ramsar sites). This impact may be direct or indirect.
- 1.3 The legislation says that we must not grant consent for a development that would either alone or in combination with other developments have a likely significant effect on a European wildlife site, unless full mitigation is provided. Studies have shown that any housing or tourist accommodation development moments within 10 kilometres of the Exe Estuary/Pebblebed Heaths/Dawlish Warren are likely to have a significant impact either individually or in combination due to recreational impacts of residents on these sites and so they must provide appropriate mitigation.
- 1.4 Mitigation can be on-site referred to as Strategic Access Management & Monitoring (SAMM) through the wardens and off-site infrastructure (including Suitable Alternative Natural Greenspace or SANG). SANGS provide an alternative area for recreational activity by drawing in users which will reduce the use/pressure on the protected designated sites and are a longer-term initiative.
- 1.5 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 under the umbrella organisation 'South East Devon Wildlife'. This is overseen by the South East Devon Habitat Regulations Executive Committee. 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.
- 1.6 A new strategy - South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy (2024) was adopted by SPC on 19th May 2025 (Cabinet 9th July 2025). The new strategy was required to reflect the new local plans in production at the three local authorities and new housing delivery. It covers the five years from 2025 to 2030 and under the new strategy there will be an increase in the staff resource to secure mitigation.

2.0 Developer Contributions

- 2.1 To pay for mitigation measures contributions are sought from new housing developments or tourism accommodation on a per dwelling basis, within a 10km 'zone of influence' from the protected sites.

- 2.2 Under the new strategy these per dwelling costs will need to increase. The changes reflect a general increase in costs due to an increase in staff resource including wardens and how they can work safely and a new post to ensure that we are delivering SANGs. The original strategy was written and costed without the full benefit of and practical realisation of the scale of costs and staffing 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. The new strategy now reflects this.
- 2.3 We collect Habitat Mitigation contributions through a combination of CIL, S106 (UU and S106 agreements) and S111. We collect capital Habitat Mitigations for infrastructure via top-slicing CIL receipts and non-infrastructure Habitat Mitigation contributions are secured by either;
- A S111 agreement and payment (a standardised letter linking an upfront payment to a submitted application).
 - A S106 Agreement (normally has several types of planning mitigation secured)
 - A Unilateral Undertaking (a simplified type of S106 agreement normally payable linked to occupation).
- 2.4 At present the non-infrastructure contribution(s) required is as below:

Table 1 – Current non-infrastructure habitat mitigation charges

	EXE	PBH	Both
Contribution per dwelling	£170.81	£196.81	£367.62

- 2.5 The new strategy calculated that the required developer contributions and in-perpetuity costs of mitigation based on 2,000 dwellings per year – see table 3 below:

Table 2 – Developer contributions required under the new strategy

Table 7: Summary of costs by location

SAMM components	Total cost per dwelling (SAMM)
East Devon Heaths 10km only	£870
East Devon Heaths and Exe Estuary 10km	£900
Exe Estuary 10km only	£852
Exe Estuary and Dawlish Warren 10km	£977

- 2.6 It was noted in the strategy (page 44, 7.9) that per dwelling costs will need to be adjusted to take into account any reserves held by the partnership at the point at which the new strategy supersedes the previous one.
- 2.7 Contributions held on account from the previous strategy will be rolled over onto the new strategy. The estimated funding per dwelling as set out in the new strategy has been adjusted to take into account the contributions still held on account. A revised cost per dwelling to deliver the new SAMM measures in the strategy is shown below:

Table 3 – Proposed revised non-infrastructure habitat mitigation charges

	EXE	PBH	Both
Total contribution required from future EDDC dwellings	£790.41	£804.64	£825.41

2.8 A SANG delivery strategy is currently being produced, and this will have financial implications. We currently collect contributions for SANG through top-slicing CIL receipts and this currently stands at 8.6%. It is likely that this percentage will need to be reviewed and adjusted to ensure the SANG delivery strategy can be delivered.

3.0 Recommendation

3.1 The South and East Devon Habitat Regulations Executive Committee agreed these revised charges at their meeting on 30th October 2025. The Executive Committee does not have authority to revise the charges themselves. This needs to be done by each individual authority and for EDDC this is Strategic Planning Committee.

3.2 It is recommended that the revised charges as shown in table 3 above are adopted for all new applications for residential development received after 1st April 2026. The intention is that all 3 local authorities will implement the increased charges at the same time to ensure consistency.

Financial implications:

Non-Infrastructure habitat mitigation charges are proposed to be increased from 1 April 2026 to accommodate a general increase in costs. There has been an increase in staffing, including wardens and how they can work safely and a new post to ensure that we are delivering SANGs. (AB-17/02/2026)

Legal implications:

There are no direct legal implications identified within the report. (DH/002533-19/02/2026)