

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held on 14 July 2020**

#### **Attendance list at end of document**

The meeting started at 2.05 pm and ended at 3.35 pm

#### **38 Public speaking**

There were no members of the public wishing to speak.

#### **39 East Devon District Council Nominees**

In Cllr Dan Ledger absence due to technical issues it was agreed that Cllr Geoff Jung, Environment Portfolio Holder be nominated as East Devon District Council's representative at this meeting.

#### **40 Minutes of the previous meeting**

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 28 January 2020 were agreed as a true record, subject to the word 'and' replacing the word 'as' in line 2 of Minutes 31

#### **41 Declarations of interest**

Minutes 44 Cllr Martin Wrigley – Personal Interest . His house overlooked the estuary. Was a member and Treasurer of Cockwood Boat Club.

#### **42 Matters of urgency**

There were no matters which officers recommended be dealt with as Matters of Urgency.

#### **43 Confidential/exempt items**

There were no matters which the officers recommended be dealt with as Confidential/Exempt.

#### **44 2019-20 Annual Business Plan**

Members received the report of the Habitat Regulations Delivery Manager, Neil Harris and Principal Projects Manager, Naomi Harnett giving an update on the progress made in delivery of ongoing mitigation measures set out in previous annual business plans and ongoing measures established in the Plan. Members noted that it was important that progress continued to be made, or this would put the delivery of the partner Authorities' Local Plans at risk due to the continued legal duties under the Habitat Regulations.

Neil Harris, Habitat Regulations Delivery Manager reported that further detail on the reports of increased numbers of disturbance events on the water would be reported to the next meeting of the Committee. This would include recent proactive work undertaken with local water sports businesses.

During discussions the following points were noted:

- Congratulations were given on another good year for the Habitats Delivery Team.
- More detail was required on the Dawlish Warren Beach Management Plan.
- Would like to know more information on the increased number of disturbance events reported by the Habitat Monitoring Officers.
- Need for evidence before significant changes and actions are undertaken.
- As the Habitat Team had more boats available and they were able to do more patrols, they were going to discover more water based disturbances.
- Request that greater detail be provided for the social media interaction, including a graph so trends could be analysed. An element of clarification in the regard would be useful.
- There had been a number of report of wildlife disturbances by dog walkers, some of whom had been walking 7 dogs. Helicopters and train whistles were also a major cause of disturbance, In particular it was noted that the number of low flying helicopters seemed to have increased and Neil Harris, Habitats Regulations Delivery Manager reported that he had been in contact with the military camp at Lympstone to try to ensure that low flying over the Estuary was minimised as much as possible. He had also talked to the Aviation Authorities about establishing the Exe Estuary as an exclusion zone.
- Loose dogs were a problem and what were we doing to control this? The Tidal Defence Scheme had meant that dogs could no longer gain direct access to the mud flats. The Habitats Team would work with the Devon Loves Dogs Officer to help improve this.
- Possibility of putting up extra signage regarding dog walkers controlling their dogs and enforcing bye laws limiting the number the number of dogs per person to 5.

**RESOLVED:** 1. that the progress made in delivering the 2019/20 annual business plan be noted.  
2. that the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates.

## 45 **Financial Report July 2020**

Members received the report of the Habitat Regulations Delivery Manager, Neil Harris and Principal Projects Manager, Naomi Harnett giving an update, repeated every 6 months, on the current financial position of developer contributions (both anticipated and collected) for Habitat Regulations Mitigation across the three partner authorities. It was noted that further up-to-date figures would be provided at the next meeting.

Cllr Martin Wrigley asked the following questions: What staff had been furloughed during lockdown. What lessons were learned regarding the use of social media during this period? How are we reacting to the change of habits of people and what are we doing? Neil Harris Habitats Regulations Delivery Manager reported that EDDC had taken the decision to put the Habits Delivery team of 3.5 FTE's on furlough. The Manager between 13 April an 18 May and the staff between 7 April and 15 June as it was consider they should be removed from dealing with the public and were not essential workers and could not easily be deployed. In this period the Communications Team had tried to deal with the social media presence when they had time available. The key consideration during this period was keeping everyone safe.

During discussions the following points were noted:

- It was likely that the reduced delivery of housing due to the pandemic would affect the financial position.
- Request to colleagues that as and when further information on CIL payments are known they be fed through to the committee to ensure that has accurate financial information was available.
- What were we doing differently with regard to social media doing going forward? It was hoped that an innovative approach could be undertaken with regard to social media.

**RESOLVED:** 1. that the update on the overall financial position including contributions received, expenditure and anticipated contributions (from CIL and signed S106) be noted and include on-going monitoring.

2. that the potential for significant changes to anticipated contributions due to disruption to housing delivery as a result of the COVID 19 pandemic be noted.

3. that the expenditure against budget for the 2019-20 Annual Business Plan and reasons given for any variance be noted.

4. that a further report be received regarding anticipated contributions at the next meeting of the Committee.

#### 46 **Risk Register Report 2020**

Members received the report of the Habitat Regulations Delivery Manager, Neil Harris giving an update on the Risk Register 2020. It was note that as a society we continue to experience the impacts of the COVID-19 pandemic and therefore it was too soon to be able to quantify the impacts (current & future) to the delivery of the Strategy.

However, considering the gravity and scale of the pandemic, it was considered appropriate to classify this as the highest risk (Severe) to the majority of the categories used. Additionally, there remain a number of risks which have the potential for high strategic and operational impact if not carefully addressed. Continued partnership working, use of updated housing forecasts and keeping updated on changes in the operational environment will assist in mitigating these risks. Continued and effective delivery of the strategy and the development this enables remains of very high importance to all partners.

**RESOLVED:** 1. that the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with delivery of the South-East Devon European Site Mitigation Strategy be noted.

2. that in particular the Severe risk posed by the COVID-19 pandemic be noted'

3. that the control measures in place to mitigate the risks identified be noted.

4. that an updated Risk Register report be received at the next meeting.

#### 47 **2020-21 Annual Business Plan**

Members received the report of the Habitat Regulations Delivery Manager, Neil Harris and Principal Projects Manager, Naomi Harnett setting out the principles for the projects

which have been recommended as a priority for delivery over the next 12 months. These recommendations had been reviewed and agreed by the respective organisations which constitute the Officer Working Group.

Members noted that if the 2020-21 Annual Business Plan was not approved then there was 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 Plan at risk due to their continued legal duties under the Habitat Regulations.

Neil Harris reported that he was meeting with stakeholders to further changes and would make a report to the next meeting of the Committee.

During discussions the following points were noted:

- Work had started doing signage for our car parks and pebble heath and they are looking good.
- Cllr Martin Wrigley asked what were the impacts of the unusual sand movements in the Exe Estuary and the need to investigate its impact. Neil Harris reported that he was trying to get in contact with the Environment Agency regarding this as it was their responsibility. The habitats team's main responsibility was recreational disturbance on the estuary.
- The impact of additional work undertaken on the website and signage be monitored. The team were trying to make the website more user friendly and it was important to know if the website was working and they would contact the Communications Team on this issue. There was the need to measure of success for this.
- The proposal to change vehicle for the team was welcomed. In response to a previous question about vehicle usage by the team, it was noted that the team sometimes had to use a vehicle late at night to be able to speak to those who walked their dogs inappropriately at this time.
- Cllr Martin Wrigley asked why the boat cost £7K per year to run? This was a mixture of mooring fees, insurance, fuel etc. The budget had not been spent in the last two years.
- Request that measures of success be given for the investments outlines in the report be reported to the committee.

- RESOLVED**
1. that the 2020-21 Annual Business Plan (Appendix A to the report) be approved and the commitments and actions set out therein.
  2. that the updated 5 Year Delivery Plan also shown in Appendix A be noted.
  3. that the potential disruption to delivery of the ABP and 5 Year Delivery plan as a result of COVID-19 be noted.
  4. that a report be received by July 2021 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.

## 48 **Dawlish SANGS Refreshments**

Members received the report of the Principal Delivery Officer, Fergus Pate on potential delivery of refreshment facilities for Dawlish Countryside Park. Members noted that any rent received, minus reasonable fees, would come back to the partnership.

During discussions the following points were noted:

- The proposal had the potential to help provide a regular presence on site and deter anti-social behaviour.
- Hope that the concession would be let to a local business who would run it in a sustainable way, including the use of reusable cups and able to include access to educational materials.

- RESOLVED:** 1. that authority be delegated for Teignbridge District Council to procure a lease for refreshments to be provided at Dawlish Countryside Park in accordance with the parameters set out at Section 3 to the report.
2. that proceeds from the lease be recovered as a contribution towards the Executive Committee's budget. The amount recovered should exclude the reasonable administrative expenses of Teignbridge District Council.
3. that a future report be received on whether to extend the lease for refreshments beyond the first year of operation.

### **Attendance List**

#### **Councillors present:**

R Sutton (Chairman)  
M Wrigley  
G Jung

#### **Councillors also present (for some or all the meeting)**

M Armstrong  
P Arnott  
O Davey  
P Faithfull  
M Howe  
P Millar  
A Moulding  
E Rylance  
I Chubb

#### **Officers in attendance:**

Alison Slade Natura England  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Ed Freeman, Service Lead Strategic Planning and Development Management  
Naomi Harnett, Principal Projects Manager East Of Exeter  
Neil Harris, Habitats Regulations Delivery Manager  
Chris Lane, Democratic Services Officer  
Susan Howl, Democratic Services Manager  
Andy Wood, Service Lead – Growth, Development & Prosperity  
Kim Strawbridge, Clinton Devon Estates

#### **Councillor apologies:**

D Ledger

#### **Officer apologies:**

Peter Hearn  
Henry Gordon Lennox

Chairman .....

Date: .....