

Teignbridge District Council
Executive Committee
03 June 2025
Part i

South East Devon Wildlife - Joint Habitats Sites Mitigation Strategy - 2025 to 2030

Purpose of Report

To seek endorsement of the Joint Habitats Mitigation Strategy, to ensure that effective and coordinated habitats mitigation can be implemented by the three Councils (Teignbridge, East Devon and Exeter) in the period from 2025 to 2030.

Recommendation(s)

The Executive Committee RESOLVES to:

- (1) To endorse and approve the adoption of the South East Devon Joint Habitats Site Mitigation Strategy - 2025 to 2030;

Financial Implications

See paragraph 7.1 below.

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Legal Implications

See Paragraph 7.2 below

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Risk Assessment

See Paragraph 7.3 below

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Environmental/ Climate Change Implications

See paragraph 7.4 below.

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Executive Member

Cllr Jackie Hook - Chair of South East Devon Habitat Regulations Executive Committee

Cllr Gary Taylor - Executive Member for Planning

Appendices/Background Papers

- a. [South East Devon Joint Habitats Site Mitigation Strategy - 2025 to 2030](#)
- b. Equality Impact Assessment

1. Overview

- 1.1 Three sites in south east Devon - the Exe Estuary, the East Devon Pebblebed Heaths and Dawlish Warren - fall in the highest tier of protected wildlife sites in the UK. In the absence of mitigation, Habitats Regulations 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.
- 1.2 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 (Teignbridge, East Devon and Exeter) for the new strategy in order to ensure that effective and coordinated mitigation can be implemented in the period from 2025 to 2030.
- 1.3 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.

2. Need for a mitigation strategy

- 2.1 Plans and projects that may adversely impact on European sites (the highest tier of wildlife sites in the UK and across the European Union), need to be subject to assessment under the Habitat Regulations.
- 2.2 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 and Ramsar (wetland of international importance).
 - Dawlish Warren - Special Area of Conservation.
 - The East Devon Pebblebed Heaths - Special Area of Conservation and Special Protection Area

- 2.3 Parts of the Exe Estuary fall within administrative areas of Teignbridge, East Devon 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.
- 2.4 Special Protection Areas (SPAs) are important for rare and vulnerable birds because they rely on them for breeding, feeding, wintering or 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.
- 2.5 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](#)
- 2.6 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.

3. South East Devon Wildlife and the existing strategy

- 3.1 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, Council website: [Exe / Dawlish Warren Habitat Mitigation - Teignbridge](#)
- 3.2 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 East Devon Wildlife has a staff resource that undertake and coordinate delivery and they work with a range of partners and volunteers to include – Natural England, The Pebblebed Conservation trust, Devon Wildlife Trust, The RSPB, the Exe Estuary partnership and officers and teams of the constituent local authorities themselves.
- 3.3 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.

4. The new mitigation strategy

- 4.1 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.
- 4.2 The new strategy can be seen at appendix A.

5. The new strategy compared to the existing one

- 5.1 The new strategy will replace and supersede the existing strategy and builds on the great work done to date, rolling 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.
- 5.2 As a starting point it is important to understand the scale of development that new local plans are providing for and which needs to be mitigated; it is a very significant level of development and in the absence of mitigation the new Local 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.
- 5.3 Mitigation to be provided under the new strategy will take the form of:
- **Onsite site mitigation measures** – management and access measures and activities, with wardens and other officers 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.
 - **Offsite 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 range of discrete projects aimed at enhancing existing access and tailored to local needs and specific circumstance.
- 5.4 Some of the measures that are implemented are shorter term and others longer, notably the SANGs are longer term initiatives.
- 5.5 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. In addition, 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.
- 5.6 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.
- 5.7 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.

5.8 To pay for mitigation measures contributions are sought from new housing developments on a per dwelling basis, and under the new strategy are likely to 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.

6. Next Steps for implementation of the new strategy

- 6.1 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.
- 6.2 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 and approach running over a number of years.
- 6.3 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.

7. Implications, Risk Management and Climate Change Impact

- 7.1 Financial – The measures in the Strategy will be funded by developers, either through s106 agreements, unilateral undertakings and/or Community Infrastructure Levy. Therefore, whilst there are no anticipated direct financial implications for the authority, there are implications for broader infrastructure funding, because funds potentially including Teignbridge CIL will be required to pay for mitigation measures. Some continued input and capacity support is also likely to be needed from Teignbridge (including Spatial Planning and Delivery team).
- 7.2 Legal – The mitigation strategy is a very important step in satisfying the habitats regulations. This applies to both the adoption of the Local Plan and individual development applications, for which ‘no likely significant effect’ on the European sites must be demonstrated. Without a robust strategy and programme in place, planning inspectors and Natural England could potentially block plans and proposals.
- 7.3 Risks – As noted in paragraph 5.5 there is some potential for the strategy to be impacted by future legislation. However the strategy is still required now by existing legislation. There are some broader financial risks regarding costs of implementation and maintenance over the longer term. Whilst Teignbridge has been very successful in securing Dawlish Countryside Park and Ridgetop Park in Exminster, there remains a likely need to secure further SANGS, including in the Exmouth area. The exact costs of this are yet to be determined. However, as noted, these projects are funded by new development.
- 7.4 Environmental / Climate Change Impact – No direct negative impacts.
- 7.5 Alternative Options – There are limited alternative options given the statutory requirements. The ‘do nothing’ scenario would mean keeping the existing 2014

strategy in place, which is unlikely to be supported by Natural England, who have been one of the key stakeholders in preparing the revised Strategy.

8. Conclusion

- 8.1 All three local authorities need a refreshed and updated mitigation strategy. Executive Committee should endorse the new strategy in order to ensure that effective and coordinated mitigation can be implemented in the period from 2025 to 2030, with the new mitigation costs being charged to new developments.