

# Agenda Item 13

## COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE 16 December 2019

### Local Nature Reserves- Feasibility Study

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Deanne Cunningham, Team Leader (Heritage, Landscape and Design)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report considers the process and resource implications for creating new Local Nature Reserves in the context of the Evaluation of Potential Local Nature Reserves (LNR) study.

#### Purpose of Report

The purpose of this report is to advise this Committee on the outcome of the Evaluation of Potential Local Nature Reserves (LNR) study and consider the options for creating new, or extending existing, LNRs.

#### This report makes the following recommendations to this Committee:

1. That the Committee note the report and agree a programme for creating new, or extending existing, Local Nature Reserve (LNR) sites subject to funding and resources; and
2. That the Committee **Recommend to Policy and Resources Committee** that funding and resources be considered to bring the agreed programme for LNRs forward.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	16 December 2019

# Local Nature Reserves- Feasibility Study

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>The recommendations will support the Council's achievement of its aims of 'safe, clean and green'.</i></p>	Head of Planning and Development
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p><i>The report recommendations support the achievement of the cross cutting objective: respecting biodiversity and environmental sustainability by adding a level of designation and providing recognition for areas of land which fulfil the criteria for a LNR.</i></p>	Head of Planning and Development
<b>Risk Management</b>	<i>Refer to the risk section of the report.</i>	Head of Planning and Development
<b>Financial</b>	Accepting the recommendations will demand new spending as set out in section 2, amounting to a one-off spend of around £8,000 per site and ongoing funding for staffing resources as set out in paragraph 2.6 No funding has been identified at this stage. Any proposal for new	Section 151 Officer & Finance Team

	funding would have to be considered by this Committee and then Policy and Resources Committee as part of the annual budget process.	
<b>Staffing</b>	<i>There will be staffing implications and these are set out in section 2.</i>	Head of Planning and Development
<b>Legal</b>	Relevant statutory provisions and requirements are set out in the body of the report. The purpose of the Communities, Housing and Environment Committee is to take the lead in ensuring the Council delivers its strategic objectives with regard to parks, green spaces and biodiversity. As such it is for the Communities, Housing and Environment Committee to note the report and consider the recommendations.	Team Leader (Corporate Governance), MKLS
<b>Privacy and Data Protection</b>	<i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i>	Policy and Information Team
<b>Equalities</b>	<i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment.</i>	Equalities and Corporate Policy Officer
<b>Public Health</b>	<i>We recognise that the recommendations will have a positive impact on population health or that of individuals.</i>	Public Health Officer
<b>Crime and Disorder</b>	<i>If new LNRs are declared and byelaws put in place there are likely to be resource implications in enforcing the byelaws as set out at paragraph 2.8.</i>	Head of Planning and Development
<b>Procurement</b>	<i>On accepting the recommendations, the Council will then follow procurement exercises for completion of management plans where necessary. We will complete those exercises in line with financial procedure rules.</i>	[Head of Service & Section 151 Officer]

## 2. INTRODUCTION AND BACKGROUND

- 2.1 LNRs are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. They are places with wildlife or geological features that are of special interest locally and are a natural resource which makes an important contribution to England's biodiversity.
- 2.2 There are currently three formally adopted LNRs in the borough: Vinters Valley Park (declared 1 April 1993), Boxley Warren (declared 27 April 2005) and River Len (declared 29 October 2014).
- 2.3 On 30 October 2018 Heritage, Culture and Leisure Committee considered a report scoping the requirements for making new LNRs and setting out a list of sites identified in a Member survey sent to all ward Members on 10 September 2018. At this meeting Committee resolved that a more detailed evaluation and feasibility assessment of LNR sites be carried out.
- 2.4 The report, entitled 'Evaluation of Potential Local Nature Reserves Study', has been completed. The main report is attached at **Appendix 1** to this report and the supporting document, sites evaluation, is attached at **Appendix 2**.
- 2.5 The implications for creating LNRs are outlined below:
  1. A legal agreement with the land owner to be secured if not a Council-owned site
  2. Management plan to be reviewed or drafted and approved by the Council.
  3. Council to authorise declaration to make a LNR.
  4. Draft documents submitted to Natural England with consultation
  5. Representations considered and Council to make final declaration of LNR
  6. Declaration to be sent to Natural England. LNR announced in local paper and copy of documents to be made available for public inspection and site added to website.
  7. LNR officially opened.
  8. For third party owned sites with existing community groups in place, Management Committee to be set up and maintained. For Council sites with no existing Friends group, engagement with the community will be needed, potentially through the formation of a Friends group, plus a Management Committee.
  9. If required, byelaws to be drafted and formally approved by the Secretary of State. Council officers will be responsible for enforcement.
- 2.6 A legal agreement is estimated to cost £500 upwards, subject to the complexity of the case and a new management plan around £6000, depending on the size of the site. The endorsement and declaration process will take approximately 22 officer hours. Announcements and opening a new LNR will be in the region of £250. Setting up a Management

Committee and ongoing support is estimated to be equivalent to 16 hours per year of officer time.

- 2.7 The above costs do not include implementation of the management plan which it is assumed will be able to be grant funded and implemented by volunteer groups.
- 2.8 Additionally, the cost of putting byelaws in place is estimated to be in the region of £750. Ongoing enforcement will fall to one of the Council's enforcement teams and will involve supplying evidence of any alleged breaches to Legal Services. Such cases would be dealt with by the Magistrates Court by way of summary conviction, usually resulting in a monetary fine if the offender is found guilty.
- 2.9 Historically, the declaration of new LNRs has been a responsibility of the Parks and Open Spaces Manager for Council-owned sites and the Team Leader for Heritage, Landscape and Design for sites on private land. It is not proposed to change this accountability.

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### **3. AVAILABLE OPTIONS**

- 3.1 If Members decide not to progress a programme for LNR sites it means that sites which fulfil the criteria for an LNR, identified as a natural resource with wildlife or geological features of special local interest and making an important contribution to biodiversity are not formally recognised and, on private sites, their long term prospects are not assured.
- 3.2 That Committee agrees the proposed priority list for progressing LNR sites so that they can then start being brought forward as funding allows. The proposed list as outlined in the Evaluation of Local Nature Reserves report is as follows:
  - Fant Wildlife Area
  - Hayle Park Nature Reserve
  - Cuckoo Wood
  - Mote Park
  - Wimpey Field
  - Allington Millenium Green
  - High Level Bridge
  - Weaving Heath
- 3.3 That Committee approves the Fant Wildlife Area as a LNR so the declaration process can be progressed as soon as resources are identified. This is the only site which has no constraints to address and could be designated immediately, with the fewest resource implications.
- 3.4 Where new, or revisions to existing, management plans for council-owned sites with the potential to be declared LNRs are being commissioned they should meet the objectives for the creation of LNRs. The sites in question are:
  - Weaving Heath- LNR appropriate management plan in progress
  - River Len Reserve, Downswood (Spot Lane Nature Area)
  - Senacre Wood
  - Bell Lane Nature Area

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 If funding is identified, the preferred option is 2 (3.2 above) in parallel with option 3 (3.3), to progress the Fant Wildlife Area LNR as this is ready to proceed and will involve minimal cost and resource implications.
- 4.2 Alongside this, to enable further LNRs to be progressed more rapidly with the least resource implications, option 4 (3.4 above) is recommended.

#### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The report to Heritage, Culture and Leisure Committee on 30 October 2018 considered the results of a survey sent to all Ward Members in September 2018 which asked for the details of any local sites that Members were aware of that could potentially meet the criteria for new or extended LNRs. Following consideration of the results of the survey the Committee resolved that this, more detailed evaluation and feasibility assessment of potential LNR sites, be carried out.

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

There is a specific process that must be followed in order to designate a LNR. Natural England has to be consulted on each candidate site and the details of the reserve will be included on the LNR database. Any consultation responses will be considered. If the Council formally declares an LNR it will inform the relevant authorities including Natural England and an announcement will be published in the local paper, with a copy of the declaration made available for public inspection. Any new reserve will then be marked on the Local Plan proposals map and an official opening ceremony held.

#### **8. REPORT APPENDICES**

- Appendix 1: Evaluation of Potential Local Nature Reserves: Main Report
- Appendix 2: Evaluation of Potential Local Nature Reserves: Supporting Document, Sites Evaluation

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**BACKGROUND PAPERS - None**