

Lead Member for Planning and Infrastructure

18 April 2023

Declaration of Local Nature Reserves

Timetable	
Meeting	Date
Planning and Infrastructure PAC	Wednesday 5 April 2023
Lead Member on the Executive for Planning and Infrastructure	Tuesday 18 April 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member of the Executive for Planning and Infrastructure
Lead Head of Service	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Jennifer Stevens, Head of Environment and Public Realm
Classification	Public
Wards affected	Fant, Bridge, Boxley, South, Bearsted, Downswood and Otham,

Executive Summary

This report provides an update on progress to declare Local Nature Reserves within the Borough. Five have now progressed, with three ready to be declared and the other two to follow once Natural England's assent has been received.

The report seeks to obtain approval to make the official declaration for all five sites as stated in 2.9.

Purpose of Report

Decision

Recommendation to the Lead Member for Planning and Infrastructure:

1. That the three sites, Allington Millennium Green, Fant Wildlife Site and the combined site of Weaving Heath, Five Acre and Wents Wood, are officially declared as Local Nature Reserves;
 2. That the two sites, Hayle Park and Spot Lane, are officially declared as Local Nature Reserves following assent from Natural England.
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Declaration of Local Nature Reserves

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The recommendation of this report supports the Council's strategic green objective through the creation of five new local nature reserves with bespoke management plans agreed by Natural England.</p>	Head of Environment and Public Realm
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the biodiversity and environmental sustainability cross cutting objective by protecting open spaces and their wildlife and ecosystems through the creation of LNRs.</p>	Head of Environment and Public Realm
Risk Management	<p>As the work on development of five LNR has been completed, there are no remaining risks associated with the recommendation within this report.</p> <p>There is a risk to the Council's reputation and its ability to protect the natural environment if it does not take the action to declare these valuable sites as LNRs.</p>	Head of Environment and Public Realm

Financial	Funding was already identified to carry out the work developing the LNRs. The declaration and ongoing management of the LNRs will be delivered within current revenue budgets.	Section 151 Officer & Finance Team
Staffing	The recommendation will be delivered within the current staffing arrangements and with the ongoing support from Mid Kent Legal Services.	Head of Environment and Public Realm
Legal	The statutory provisions of the National Parks and Access to the Countryside Act 1949 sections 19 and 21 provide for the declaration process and set out that a local authority shall have power to provide, or secure the provision of, nature reserves on any land in their area.	Senior Legal Advisor – Corporate Governance
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No identified implications	Head of Environment and Public Realm
Procurement	No procurement requirement	Head of Environment and Public Realm
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are aligned fully with Enhancing and increasing biodiversity action 6.2 of the Biodiversity and Climate Change Action Plan.	Biodiversity and Climate Change Manager

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 In 2018, the Heritage, Culture and Leisure Committee resolved that a detailed evaluation and feasibility assessment of LNRs be carried out. The outcome of this was presented to the Communities, Housing and Environment in December 2019 and it was agreed to progress a programme of new LNRs. Progress against this was reported to the Committee in April 2021, confirming that the following six sites would be declared:

- Fant Wildlife Area
- Allington Millennium Green
- Weaving Heath
- Five Acre and Wents Wood
- Hayle Park
- Spot Lane

2.4 As set out in the original feasibility study, there is a comprehensive list of requirements for establishing and declaring a LNR:

1. A legal agreement with the landowner 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.

2.5 Since 2021, significant work has been undertaken to progress the six sites including site surveys, the preparation of management plans, development of community support, definition of land boundaries and the preparation of legal paperwork, including draft declarations and public notices.

2.6 Two of the proposed LNRs discussed in 2021 , Weaving Heath and Five Acre and Wents Wood, have also now been combined as one nature reserve.

- 2.7 The draft management plans for three LNRs (Fant, Allington Millenium Green and the combined site of Weaving Heath, Five Acre and Wents Wood) have been submitted to the Government's Advisors on Nature, Natural England. Letters of Assent were received in February 2023 from Natural England enabling the Council to make the formal declarations and publish notices.
 - 2.8 Hayle Park and Spot Lane are more complex sites requiring additional work and their management plans are now being finalised to be sent to Natural England for assent.
 - 2.9 This report seeks approval to progress with the formal declarations of five LNRs, three now (Fant, Allington Millenium Green and the combined site of Weaving Heath, Five Acre and Wents Wood) and the remaining two (Hayle Park and Spot Lane) when assent from Natural England is received.
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3. AVAILABLE OPTIONS

- 3.1 Option 1: That the five proposed LNRs are declared upon receipt of Natural England's assent, public notices are issued and they are officially opened.
 - 3.2 Option 2: No further action is taken and the declarations are not made.
 - 3.3 Option 3: The three sites that have received Natural England's assent (Fant, Allington Millenium Green and Weaving Heath, Five Acre and Wents Wood) are declared as LNRs, but the other two sites are not progressed.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that Option 1 is agreed and that all five identified sites are progressed and declared as LNRs. The three sites that have already been given Natural England's assent should be declared immediately and then the other sites are declared following receipt of Natural England's assent.
 - 4.2 Given the previous committee support for this, the approval from Natural England and the benefit this will create for the identified open spaces, it is not recommended that this work is now abandoned as therefore options 2 and 3 should not be considered.
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5. RISK

- 5.1 The risks associated with the declarations of LNRs have been considered throughout the process and this has enabled the list of sites to be refined.
- 5.2 The greatest risk is if the decision is not taken to declare these sites as LNRs, particularly where the Council does not own the land and therefore the future protection of the land would not be assured. This would also

pose a reputational risk to the Council as it has been committed to delivering these LNRs for the past 5 years.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 There has been significant Member consultation through three reports to Heritage, Culture and Leisure Committee and Communities, Housing and Environment Committee. This issue was considered by the Planning and Infrastructure Committee on the 5 April 2023 with the recommendations supported.
 - 6.2 In line with the official process, Natural England has also been formally consulted and provided with the draft management plans for each site.
 - 6.3 In all areas, there has been support for these declarations.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following approval of the declarations, Mid Kent Legal Services will progress with the declaration process including issuing the declarations and public notices.
 - 7.2 Work will continue with the remaining two sites to finalise the management plans and submit these to Natural England.
 - 7.3 Official opening of the sites will be arranged following the declarations.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Communities, Housing and Environment Report – Local Nature Reserves Feasibility Study – 16 December 2019

Communities, Housing and Environment Report – Declaration of Local Nature Reserves – 6 April 2021