

MAIDSTONE BOROUGH COUNCIL

RECORD OF RECOMMENDATION OF THE CABINET MEMBER FOR REGENERATION TO COUNCIL

Recommendation Made: 11 February 2011

BOXLEY WARREN LOCAL NATURE RESERVE BYELAWS

Issue for Decision

To consider the draft byelaws for the Boxley Warren Local Nature Reserve (LNR) which have been given provisional approval by the Secretary of State and are set out in Appendix A attached.

Recommendation Made

1. That the byelaws for Boxley Warren Local Nature Reserve be adopted
2. That delegated authority be given to the Head of Legal Services to seal and confirm the byelaws following completion of the necessary legal process including the placing of an advertisement in the local newspaper.

Reasons for Recommendation

On 11 February 2011, I considered a report of the Head of Spatial Planning regarding draft byelaws for the Boxley Warren LNR which have been given provisional approval by the Secretary of State and are set out in Appendix A attached.

I made the Decision on 11 February 2011 that:

- “1. That the byelaws for the Boxley Warren Local Nature Reserve (LNR), as set out in Appendix A of the report of the Head of Spatial Planning be endorsed.
2. That it be recommended to Council to:-
 - I. resolve to adopt the byelaws
 - II. give delegated authority to the Head of Legal Services to seal and confirm the byelaws following completion of the necessary legal process including the placing of an advertisement in the local newspaper.”

Boxley Warren forms part of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI), which extends for 10km along the chalk scarp of the North Downs east of the River Medway.

It was originally notified in 1951 under the National Parks and Access to the Countryside Act 1949 and subsequently re-notified under the Wildlife and Countryside Act 1981 in 1990. The SSSI is of special interest for its full range of downland habitats, supporting a great diversity of flora and fauna with many rare species, including the nationally rare Box tree. The woodland part of the site is also situated within the North Downs Woods Special Area for Conservation (SAC), supporting two habitats listed under Annex 1 of the EC Habitats Directive 92/43/EEC, Yew woodland and Orchid-rich chalk grassland.

The site was listed on a European Register in 2001 and is part of a network of the most important nature conservation sites in Europe known as Natura 2000. Accessible from the North Downs Way above the escarpment and the Pilgrims Way at the bottom, Boxley Warren is an integral part of the Kent Downs Area of Outstanding Natural Beauty and a major landscape feature of the escarpment above Maidstone.

A plan of the area is set out at Appendix B attached. The western boundary follows the district and ownership boundary but is not clearly defined on the ground by a physical feature such as a footpath.

In April 2005, the then Cabinet Member for Regeneration considered a report on the creation of the LNR at Boxley Warren. He authorised the Council to secure its provision, enter into a Land Management Agreement with the landowners, acquire planning permission and make a section 19 Declaration confirming Boxley Warren as a LNR. Planning permission for change of use of the site to a nature reserve was granted on 13 December 2007.

The Cabinet Member considered a further report in January 2008 and agreed to declare Boxley Warren as a LNR. He also agreed that an Advisory Committee be created with responsibility for managing the site (which currently meets at least every three months) and that, after declaration, officers procure byelaws from the Secretary of State.

The Land Management Agreement was completed on 15 February 2008 for a 21 year term and the section 19 Declaration was made on 27 February 2008. Since then officers have been negotiating out the contents of the byelaws with DEFRA, which department now agrees the contents set out at Appendix A attached.

Alternatives considered and why not recommended

It is thought appropriate that the byelaws be enacted as they will address behaviour within the Boxley Warren site which causes a nuisance or danger to others, such as flytipping and trail bike riding. If these restrictions are not put in place, the anti-social activities that the Boxley Warren LNR Advisory Committee is seeking to control could increase, potentially leading to the deterioration of this important landscape.

Background Papers

Legal file reference: H626

Report to Cabinet Member for Regeneration, 17 January 2008:

Boxley Warren Local Nature Reserve (file reference: 406/106/10A)

Report to Cabinet Member for Regeneration, 18 April 2005: Creation of

Boxley Warren Local Nature Reserve (file reference: 406/106/10A)