



19<sup>TH</sup> OCTOBER 2017

**CABINET**

**AGENDA ITEM (10)**

**LOCAL NATURE RESERVES**

<b>Accountable Members</b>	Councillor Mark MacKenzie-Charrington Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project  Councillor Nick Parsons Deputy Leader and Cabinet Member for Forward Planning
<b>Accountable Officer</b>	Sophia Price Heritage and Design Manager 01285 623000 <a href="mailto:sophia.price@cotswold.gov.uk">sophia.price@cotswold.gov.uk</a>

<b>Purpose of Report</b>	To consider a request from Cirencester Town Council to delegate to them the power to declare a local nature reserve at City Bank and the Old Nursery, Watermoor, Cirencester; and to consider arrangements for similar future requests.
<b>Recommendation(s)</b>	<p><b>(a) That the Council delegates its powers/functions under Section 21 of the National Parks and Access to the Countryside Act 1949 to Cirencester Town Council in this one instance such that the Town Council is able to pursue to the establishment/designation of a Local Nature Reserve in respect of land it owns at City Bank and the former Abbey Nursery, Cirencester (as defined on the plan within Appendix A to this report);</b></p> <p><b>(b) that the Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project be given delegated authority to consider future requests from town/parish/community councils to delegate to them the power to establish/designate Local Nature Reserves.</b></p>
<b>Reason(s) for Recommendation(s)</b>	To enable a decision on a specific request; and to agree arrangements for dealing with similar requests in the future.  More generally, the designation of LNRs should bring positive benefits to the local community and to any site itself. It will help preserve and enhance a site for future years, send a positive message to the local community, and ensure good management practices are followed in consultation with Natural England.

<b>Ward(s) Affected</b>	Watermoor (location of current LNR proposal)
<b>Key Decision</b>	No
<b>Recommendation to Council</b>	No

<b>Financial Implications</b>	None
<b>Legal and Human Rights Implications</b>	The legal powers and provisions are set out in the report
<b>Environmental and Sustainability Implications</b>	The designation of LNRs has the potential to achieve environmental benefits.
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	None
<b>Equalities Analysis</b>	No effect on protected groups identified

<b>Related Decisions</b>	None
<b>Background Documents</b>	None
<b>Appendices</b>	<b>Appendix A</b> - Request from Cirencester Town Council, including Proposed LNR boundary map

<b>Performance Management Follow Up</b>	Implement Cabinet decision(s)
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<p><b>Background Information</b></p> <p>1. <u>Establishment of Local Nature Reserves</u></p> <p>1.1 Section 21 of the National Parks and Access to the Countryside Act 1949 ('the 1949 Act') gives the District Council the power to acquire, declare and manage local nature reserves (LNRs). A LNR is a protected area of land designated by a local authority because of its local special natural interest and, where possible, educational and community value.</p> <p>1.2 Under Section 101 of the Local Government Act 1972, a principal local authority (such as CDC) may delegate, by mutual agreement, its powers/functions under Section 21 of the 1949 Act to a parish, town or community council (or, indeed, to any other local authority).</p> <p>1.3 By virtue of Regulations 4 and 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, consideration of designation/establishment requests can be delegated to an individual Cabinet Member.</p> <p>1.4 The responsibility for selecting, acquiring and making arrangements for the management of LNRs lies with local authorities. Section 19 of 1949 Act sets out what areas can be so declared, as follows:-</p> <ul style="list-style-type: none"> <li>• land the subject of a nature reserve agreement; or</li> <li>• land acquired or held by the local authority.</li> </ul>	
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1.5 'Nature reserve agreement' is defined in section 15A of the 1949 Act as meaning "an agreement entered into under section 7 of the Natural Environment and Rural Communities (NERC) Act 2006 for the purposes of securing land which it appears expedient in the national interest shall be managed as a nature reserve."

1.6 Section 19 of the 1949 Act also sets out the procedures for declaration (and de-declaration) of LNRs. Declaration establishes formal proof of the LNR and informs the public of the LNR's existence. Importantly, a local authority can only declare a LNR after consultation with Natural England. Once declared, Natural England will add a LNR to its website.

1.7 Natural England sees the designation of LNRs as an important way to achieve its goal of maintaining England's rich natural heritage and giving people access to places where they can enjoy that heritage.

1.8 LNR designation serves to increase people's awareness and enjoyment of their natural environment; provide an ideal environment for everyone to learn about and study nature; build relationships between local authorities, national and local nature conservation organisations and local people; protect wildlife habitats and natural features; offer a positive use for land which local authorities would prefer to be left undeveloped; and make it possible to apply byelaws, which can help in managing and protecting the site.

1.9 LNRs are both for people and nature - they are places with wildlife or geological features that are of special interest locally. Through good management it is possible to give people special opportunities to study and learn about them or simply enjoy and have contact with nature.

1.10 Once declared, the natural features for which a LNR is recognised must be protected. It is not a formal requirement to make a LNR open to the public, but at least part of the site should be publicly accessible; and also accessible for visitors (subject to the need to care for, and protect, its natural features).

1.11 Local authorities can run LNRs independently or can involve 'friends of' community groups, wildlife trusts, site-based rangers, local school children and Natural England (who can give advice).

1.12 Other advantages of LNR designations include:-

- LNR designation is statutory, so that in planning terms protection of any LNR site would be enhanced;
- additional advisory assistance would be available from Natural England.
- financial assistance may be available, either through grant schemes under the administration of Natural England or from other sources, for example landfill tax credits, and various arms of Lottery funding.

## 2. The Current Position - Nationally and Locally

2.1 There are currently over 1,000 LNRs in England, ranging from windswept coastal headlands, ancient woodlands and wildflower meadows to former inner city railways, long abandoned landfill sites and industrial areas. In total, they cover over 40,000 hectares, forming an impressive natural resource, which makes an important contribution to England's biodiversity.

2.2 However, LNRs are relatively scarce in the Cotswold District, with only one designated site - in the Cotswold Water Park, at Coke's Pit Lake, Spratsgate Lane, Cirencester, GL7 6DF (grid reference: SU026952), which was declared in 2003.

### 3. Corporate Plan Priorities

3.1 The designation of LNRs would accord with the Council's corporate objectives to conserve and enhance the natural, built and historic environment and to build capacity and develop partnerships with statutory and voluntary organisations to increase resilience to enable communities to help themselves.

3.2 The indirect effects and benefits of a LNR would be to improve opportunities for learning, improve health and well-being, and develop opportunities for local events and activities.

### 4. Request from Cirencester Town Council

4.1 Cirencester Town Council (CTC) would like to designate land they own at City Bank and the former Abbey Nursery as a LNR. The Old Nursery was previously owned by Cotswold District Council, but the land was transferred to Cirencester Town Council in September 2012 and CDC required the land to be used as public open space. As mentioned above, Cirencester Town Council does not have the power to declare a LNR unless such power is delegated to them by the District Council.

4.2 The Cirencester Green Spaces Strategy 2011 identified the Old Nursery site as a place that could be improved as a green space amenity. In 2012 the Old Nursery was an unused partially brownfield site that was fenced off from the public.

4.3 The following is a list of the key achievements at the Old Nursery site between 2012 and 2017, as advanced by CTC:-

- CTC has carried out a range of work at the Old Nursery to improve public access, increase amenity and educational value and enhance biodiversity.
- The Old Nursery has been re-fenced with heritage fencing and a new gate installed.
- Old and dangerous buildings were removed.
- A management plan is in place, with a current review under way.
- A Heritage Management plan is also in place as the entire site is a scheduled ancient monument.
- Scrub clearance and the establishment of routes through and around the site have been undertaken.
- The restoration and re-building of stone footings for the bridge connecting the Old Nursery and City Bank Field has been undertaken. These footings are wide enough to incorporate a disability access bridge when funds permit, but currently a timber footbridge is in place.
- Improvements to the banks of the River Churn to enhance biodiversity have been carried out with the Gloucestershire Wildlife Trust (GWT) and the Farming and Wildlife Advisory Group (FWAG).
- Environmental surveys undertaken - Phase 1 Habitat Survey and also species surveys by the GWT. Key species include otter, water voles and bats.
- Interpretation boards have been installed at the Old Nursery and City Bank Field and a carved bench is located inside the main entrance.
- Volunteers from the GWT have participated in educational courses at the site.
- The Hare Festival Way links the site to the walk along the River Churn to the Abbey Grounds and beyond. Outdoor Gym equipment has been installed in City Bank Field supporting a 'green corridor' connection with Kingshill Sports Complex for walkers, joggers and cyclists.
- In 2012 the Friends of City Bank voluntary group was established and they remain active and engaged with the site, including several events for the local community such as a bat walk and an Eco-Day as part of Love Parks Week 2016.
- In 2017 members of the Cirencester Wildlife Group surveyed the City Bank Field to establish a botanical baseline to inform the creation of a wildflower meadow.

4.4 Future 'goals' identified by CTC include:-

- To have the Old Nursery and City Bank Field declared as a Local Nature Reserve.
- To improve access to and across the site including a wider bridge.
- To enhance biodiversity, working with partners and by implementing the revised management plan.
- To create a wildflower meadow within City Bank Field.

5. Suggested Way Forward

5.1 It is suggested that the Council supports Cirencester Town Council in its desire to establish a LNR on land it owns at City Bank and the former Abbey Nursery, Cirencester; and delegates its powers/functions in this respect to the Town Council.

5.2 Rather than apply a 'blanket' approach to either land within the Cirencester Town Council area or land held generally by town/parish councils, it is suggested that the relevant cabinet Member be given delegated authority to consider future requests for the delegation of powers in respect of the establishment of LNRs.

(END)