

Local Nature Reserves

Final Decision-Maker	Heritage, Culture and Leisure Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Deanne Cunningham, Team Leader (Heritage, Landscape and Design)
Classification	Public
Wards affected	All

Executive Summary

This report scopes the requirements for the making of Local Nature reserves (LNRs) and sets out the list of sites identified in the recent Member survey.

This report makes the following recommendations to this Committee:

1. That Members note this report and consider the scope for creating new Local Nature Reserves and extending existing sites
2. Agree that a more detailed evaluation and feasibility assessment of sites be carried out if resources are identified

Timetable

Meeting	Date
HCL Committee	30 October 2018

Local Nature Reserves

1. INTRODUCTION AND BACKGROUND

- 1.1 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.
- 1.2 There are currently three formally adopted Local Nature Reserves (LNRs) in the borough: Vinters Valley Park (declared 1 April 1993), Boxley Warren (declared 27 April 2005), and River Len (declared 29 October 2014).
- 1.3 The Maidstone Borough Council Annual Monitoring Report (AMR) 2017, in paragraph 2.3, states that additional Reserves are being considered for Fant Wildlife Area and Cross Keys, Bearsted. Sandling Park and Cuckoo Wood are also considered to offer further potential for designation. The AMR 31 March 2012 to 1 April 2013 included a more extensive list of potential sites but little progress has been made in bringing these forward.
- 1.4 In order to scope the current situation, a survey was recently sent to Ward Councillors asking for suggestions of possible new LNR sites or existing sites which could be extended. The results of the survey are summarised in a table attached at **Appendix 1** to this report and the survey questions are attached at **Appendix 2**.

Considerations for the declaration of an LNR

- 1.5 There are a number of criteria that must be met before a LNR can be declared:
 - The council must control the land or, in the case of Parish Council ownership, give authority to the Parish
 - The land must be accessible for any visitors
 - At least part of the land must be publicly accessible
 - The site should be locally important for wildlife, geology, education and enjoyment.
 - There must be an approved management plan which details:
 - that the site will remain a protected LNR for at least 21 years
 - that the council controls the land
 - why the LNR site was chosen
 - the aims and objectives
 - biodiversity management and environmental education
 - community participation, access and visitor management
 - costs and funding arrangements.

1.6 The process for making a LNR is:

- a) Secure a legal agreement relating to the land, if not already in place, or authorise a Parish council to make LNR
- b) Draft new, or review existing, management plan for site
- c) Seek Council approval of management plan and authorise declaration of LNR
- d) Submit draft declaration document with map and management plan to Natural England (NE)
- e) Consult as required
- f) Consider any consultation responses and seek Council approval of final declaration of LNR
- g) Send final declaration to NE, publish announcement in local paper and place copy available for public inspection. The Council can then officially open the LNR and NE will add the site to its website
- h) Set up management committee and formulate legal administration
- i) Formalise funding arrangements- seek grants etc.
- j) Provide administrative support for management committee
- k) Friends Group or Trust to be set up to manage site
- l) Byelaws may be required

1.7 There are financial, staffing and legal considerations in carrying out this process. The resources required depend on the status and complexity of the site in question.

1.8 The costs and resource implications will need to be considered for each case individually but it is estimated that initially, should management plans be required, this specialist work will need to be carried out by a consultant and is likely to cost in the region of £6000- £12 000 per site, depending on size.

Survey results

1.9 The table attached at **Appendix 1** includes 18 sites which were included in the 2012/2013 AMR together with 15 new sites which were identified as a result of the recent survey. A further site has been identified as a result of consultation with the Parks and Open Spaces Manager: Yalding Fen. The information provided is currently incomplete but there are at least 13 sites which could potentially be considered as LNRs in the longer term.

2. AVAILABLE OPTIONS

2.1 The Annual Monitoring Report (AMR) is for information purposes and monitors issues in relation to Local Plan policies. Whilst a number of LNR sites are listed in the AMR there is no target for bringing them forward. As such, there are no Local Plan implications by not declaring new LNR sites.

2.2 If Members want to move forward with a programme for creating new LNRs and strengthen policy, a robust evidence base will be needed, with a

framework for assessment. The current list of sites has not been assessed in this light and therefore resources would need to be identified to enable a programme to be realised.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 In order to fully consider which are the most appropriate sites for bringing forward as new, or extended, LNRs and the associated financial and legal implications it is recommended that a consultant be appointed to carry out this work.

4. RISK

- 4.1 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.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 This report summarises the results of a survey sent to all Ward Members on 10 September 2018. Detailed consultation results are detailed in **Appendix 2**.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If this Committee agrees the recommendations of this report, and funding is identified, a consultant can be appointed who will be required to liaise with interested parties to establish the feasibility for each site.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none">The recommendations will not materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims of:<ul style="list-style-type: none">Keeping Maidstone an attractive place	Head of Planning and Development

	<ul style="list-style-type: none"> for all; and Respecting the character and heritage of the Borough. 	
Risk Management	<ul style="list-style-type: none"> No direct risk management implications arise from this report Impact on the Local Plan should be very minimal so long as proposed sites do not conflict with allocated sites. 	Head of Planning and Development
Financial	<ul style="list-style-type: none"> Accepting the recommendations will demand new spending of approximately £8000 to appoint a consultant as identified in paragraph 3.1 above. There is no budget specifically identified for this work, so funding will need to be sought to proceed further. 	Paul Holland, Senior Finance Manager (Client)
Staffing	<ul style="list-style-type: none"> We will need access to extra expertise to deliver the recommendations, as set out in section 3. 	Head of Planning and Development
Legal	<ul style="list-style-type: none"> No direct legal implications arise from the report at this stage. 	Principal Solicitor Corporate Governance
Privacy and Data Protection	<ul style="list-style-type: none"> No implications have been identified. 	Legal Team
Equalities	<ul style="list-style-type: none"> The recommendations do not propose a change in service and therefore will not require an equalities 	Policy & Information Manager

	impact assessment.	
Crime and Disorder	<ul style="list-style-type: none"> No direct implications have been identified. 	Head of Planning and Development
Procurement	<ul style="list-style-type: none"> On considering the options, if funding is confirmed for the appointment of a consultant, the Council will then follow procurement exercises in line with financial procedure rules. 	Head of Service & Section 151 Officer

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Status of Local Nature Reserve (LNR) sites
- Appendix 2: LNR survey

9. BACKGROUND PAPERS

None.