

**Open Report on behalf of Richard Wills**

Report to:	<b>Executive Councillor for Economic Development</b>
Date:	<b>18 August 2011</b>
Subject:	<b>Declaration of Croftmarsh Local Nature Reserve</b>
Decision Reference:	<b>01935</b>
Key decision?	<b>No</b>

**Summary:**

To secure the Executive Councillor's approval to declare Croftmarsh a Local Nature Reserve under the National Parks and Access to the Countryside Act 1949, S.21.

**Recommendation(s):**

That the Executive Councillor for Economic Development authorises the Executive Director for Communities to enter into a declaration of Croftmarsh as a Local Nature Reserve and other such steps as are necessary to achieve this.

**Alternatives Considered:**

1. None

**Reasons for Recommendation:**

The declaration of Croftmarsh as a Local Nature Reserve is part of Environmental Services ongoing work to create open green space that is for people and wildlife. It will contribute towards the Sustainable Community Strategy themes Rich diverse environments, heritage and cultures that residents and visitors enjoy and Vibrant communities where people enjoy life.

**1. Background**

**Local Nature Reserves**

Local Nature Reserves (LNR's) are a statutory designation, which can be made by principal local authorities. They should be of benefit to people and wildlife. They are places with wildlife or geological features that are of special interest locally, which give people special opportunities to study and learn about them or to enjoy and have contact with nature.

### **Developing new Local Nature Reserves**

Over the last 7 years Lincolnshire County Council's Environmental Services has been running partnership projects to create a series of new LNR's across Lincolnshire of which there are now nine. Every LNR has strong links with the community who are always involved in its care and management.

### **Legal power to declare of Local Nature Reserves**

Local Authorities have the power to acquire, declare and manage nature reserves under Natural Parks and Access to the Countryside Act 1949, S.21. Environmental Services has consulted Natural England and therefore may legally declare Croftmarsh a Local Nature Reserve.

### **Croftmarsh**

Croftmarsh is owned by Lincolnshire Wildlife Trust, who are working in partnership with the Council to declare it a LNR. Croftmarsh forms part of the larger Gibraltar Point Nature Reserve, of which the Council is a partner on the Joint Advisory Committee. Gibraltar Point National Nature Reserve covers three miles of coast from Skegness to The Wash. Habitats include sandy and muddy seashore, sand dunes, saltmarsh and freshwater marsh with ponds and lagoons. The reserve is recognised internationally for its important habitats and species. The Trust manages this unspoilt stretch of coastline for all to enjoy. Conservation of the natural habitats often includes traditional methods such as livestock grazing.

The Act does not allow the Trust to declare LNR's and it is proposed that the Council as principal local authority make the declaration.

### **Management Agreement**

In instances when the declaring authority (Lincolnshire County Council) is not the freehold owner the declaring authority must be able to demonstrate a legal interest. This is achieved by creating a Management Agreement. A Management Agreement has therefore been created for Croftmarsh and agreed by Lincolnshire Wildlife Trust and a copy is located in appendix A. If the recommendation to declare the site a LNR is approved, then the management agreement will have the Lincolnshire County Council seal applied in due course.

### **Official declaration**

If the decision to declare the LNR is approved, a LNR declaration will be sealed by Lincolnshire County Council in due course. A copy of the declaration is also located in appendix A.

### **Creation of byelaws**

As there will be general access to the reserve it may be advisable to establish byelaws to provide support for any staff or the police in controlling undesirable and unacceptable activities. Once Croftmarsh has been declared a LNR the Council may decide to make byelaws to protect the reserve. Under the Council's constitution byelaws must be made by full Council. Thereafter, before they can be implemented byelaws must be confirmed by the Secretary of State. As a consequence, permissible byelaws are reasonably standardised, a model set are attached in Appendix B.

### **Financial and Resource Implications**

Lincolnshire County Council is a formal partner in Gibraltar Point and as such already provides an annual financial contribution towards its management and officer time attending meetings. The declaration of Croftmarsh would not result in an increase to this contribution or officer time. The declaration would need to be advertised in a local newspaper at an estimated cost of £500.

### **2. Conclusion**

The declaration of Croftmarsh as a LNR would be the culmination of several years work with Lincolnshire Wildlife Trust and the Joint Advisory Committee. There would be no additional financial or staff resource implications beyond those outlined above.

### **3. Legal Comments:**

Under section 21 of the Natural Parks and Access to the Countryside Act 1949 as amended by schedule 11 of the Natural Environment and Rural Communities Act 2006 the Council has the power to declare Croft Marsh as a Local Nature Reserve.

The recommendation is lawful and within the remit of the executive Councillor for Economic Development.

Comments made by Sophie Reeve.

### **4. Resource Comments:**

### **5. Consultation**

#### **a) Has Local Member Been Consulted?**

Yes

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

n/a

#### **d) Policy Proofing Actions Required**

There are no potential adverse impacts which could not be mitigated. The proposal will have a positive impact on the natural environment and community involvement.

## **6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Management Agreement
Appendix B	Model set of byelaws

## **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Matthew Davey, who can be contacted on 01522 552349 or [matthew.davey@lincolnshire.gov.uk](mailto:matthew.davey@lincolnshire.gov.uk).