

Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Councillor E J Poll, Executive Councillor for Commercial and Environmental Management
Date:	Between 28 February and 6 March 2020
Subject:	Nettleton Local Nature Reserve 2020
Decision Reference:	I019736
Key decision?	No

Summary:

To secure the Executive Councillor's approval to Lincolnshire County Council proceeding to declare a Local Nature Reserve at Nettleton ("Proposed Reserve") under the National Parks and Access to the Countryside Act 1949, section 21.

Recommendation(s):

That the Executive Councillor for Commercial and Environmental Management authorises the Executive Director - Place to enter into a declaration of a Local Nature Reserve at Nettleton ("the Proposed Reserve") and delegates authority to the Executive Director - Place authority to take all other such steps as necessary to achieve and implement the Proposed Reserve.

Alternatives Considered:

- | | |
|----|-------|
| 1. | None. |
|----|-------|

Reasons for Recommendation:

The declaration of the proposed reserve as a Local Nature Reserve ("LNR") is part of the work of the Countryside to benefit the community, visitors and wildlife.

It will contribute to a sustainable, varied and attractive landscape, rich in wildlife and attractive to visitors and residents in every season.

1. Background

As part of the aims of delivering the Natural Environment Strategy, Lincolnshire County Council is committed to providing a high quality natural environment and the proposed designation of this County Council-owned land as a Local Nature Reserve meets that aim.

LNRs

LNRs are for both 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 opportunities to study and learn about them or simply enjoy and have contact with nature. There are over 1000 LNRs in England ranging from windswept coastal headlands, ancient woodlands and flower 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. However in Lincolnshire (excluding North and North East Lincolnshire), LNRs are comparatively scarce with only 17 recognised sites totalling 426.36 ha.

LNR designation serves to:

- increase community awareness and enjoyment of the 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 bye-laws which can help in managing and protecting the site.

Legal Power to declare a Local Nature Reserve

Section 21 of the National Parks and Access to the Countryside Act 1949 gives local authorities the power to acquire, declare and manage nature reserves.

The responsibility for selecting, acquiring and making arrangements for the management of LNRs lies with local authorities. Section 19 of the 1949 Act sets out the procedures for the declaration of nature reserves. Declaration establishes formal proof of the LNR and informs the public of its existence.

Countryside has consulted Natural England and therefore may legally declare the Proposed Reserve a LNR.

Ownership

All of the Proposed Reserve was acquired on a freehold title basis by Lincolnshire County Council in 1977 to establish a landfill site, which ceased operation in 1992. With the introduction of the Contaminated Land Act, responsibility for waste deposited and for aftercare remains with Lincolnshire County Council, irrespective of whether sites are sold or not.

Management Plan of Lincolnshire County Council

The Proposed Reserve is situated off Normanby Road to the south of the village of Nettleton, Lincolnshire and extends to 8.5 ha. See Appendix B. The Proposed Reserve includes species rich rough grassland with occasional wet flushes and seasonally wet ponds and ditches. In January 2015 the Proposed Reserve was divided in two and stock fenced to enable livestock grazing as an ecological management tool. A footpath follows a circular route which is accessed from a car park on the eastern edge adjacent to Normanby Road.

The management plan is attached at Appendix B and contains a full description of the sites value for people and wildlife and details how it will be cared for over the coming years

Creation of Bye-Laws

As there will be general access to the Proposed Reserve it may be advisable to establish bye-laws to provide support for any staff or the police in controlling undesirable and unacceptable activities. Once the Proposed Reserve has been declared a LNR, Lincolnshire County Council may decide to make bye-laws to protect the Proposed Reserve. Under the Council's constitution bye-laws must be made by the Council meeting. Before they can be implemented, the bye-laws must be confirmed by the Secretary of State.

Official Declaration

If the decision to declare the Proposed Reserve as an LNR is approved, a LNR declaration will be sealed by Lincolnshire County Council in due course. A copy of the declaration is located in Appendix D.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Analysis has been undertaken; see Appendix C which identifies how the Council's Equality Act duty has been taken into account.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and JHWS have been taken into account in preparing this report. The declaration of this LNR will contribute to achieving the JSNA priority – physical activity through the provision of accessible public open space and volunteer opportunities.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Lincolnshire County Council currently actively manages this land and works closely with the Police and other Local Authorities to reduce prevent crime and disorder. The declaration of the LNR will have no impact on this approach.

3. Conclusion

The Executive Councillor's approval is sought to declare a Local Nature Reserve at Nettleton ("Proposed Reserve") under the National Parks and Access to the Countryside Act 1949, section 21.

4. Legal Comments:

Under section 21 of the National 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 power to declare Nettleton Local Nature Reserve (2020) as a Local Nature Reserve.

Provided it is within the budget the recommendation is lawful and within the remit of the Executive Councillor for Commercial and Environmental Management.

5. Resource Comments:

There are no financial implications arising from acceptance of the recommendation in this report.

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

No action required

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Location Map
Appendix B	Nettleton LNR Management Plan
Appendix C	Equality Impact Analysis
Appendix D	Declaration under Section 21 of the National Parks and Access to the Countryside Act 1949

8. Background Papers

No Background Papers within the meaning of 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 .