

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

29 May 2014

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED DESIGNATION OF LOCAL NATURE RESERVE AT
SWADLINCOTE FORMER LANDFILL SITE**

(1) **Purpose of the Report** To seek approval for the designation of a Local Nature Reserve (LNR) at the Woodlands, Swadlincote.

(2) **Information and Analysis** The former landfill site at Hillside Quarry, Swadlincote owned by the County Council is surrounded and incorporated into the Woodlands country park owned and operated by South Derbyshire District Council (SDDC). SDDC has approached the County Council with a view to designating the whole site as a Local Nature Reserve. Local Nature Reserve (or LNR) is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949.

As part of the process of LNR declaration, the landholding local authority must undertake a formal consultation exercise with Natural England. SDDC has initiated these discussions, and Natural England has indicated that in order for SDDC to designate an LNR across the whole site, including land within the County Council's ownership, it will be necessary for the County Council to sign a Nature Reserve Agreement. A sample Nature Reserve Agreement is included as Appendix A, and it is understood that SDDC will draw up a site-specific agreement in due course.

SDDC has undertaken to prepare the submission and the management plan for the site but it needs the County Council's agreement, as part landowner, to continue. If the designation is successful, SDDC will continue to manage the woodland, as it does at the moment, with the County Council responsible for any costs associated with necessary tree work on the former landfill site area. The designation and subsequent ecological management works will not restrict the County Council's ability to continue landfill aftercare. Specifically, the monitoring of the former landfill site and any future works on the landfill gas and leachate control systems operated will be unaffected by the proposal.

The Departmental Service Plan for 2010-2014 (2013/14 refresh) agreed a target to deliver an extra four LNRs between 2010 and March 2014, bringing the total for LNR's declared by the County Council to 14. This target has already been achieved, and has been extended to a target of 16 LNRs to be delivered by March 2017. The declaration of this site outlined above will help towards achieving this target. In addition, the designation of these LNR's will enhance and improve the Council's existing LNR network and help to implement the Council's duty to promote biodiversity under the National Environment and Rural Communities (NERC) Act 2006. If approved, it is proposed the site is progressed for declaration by SDDC in the summer of 2014.

(3) **Financial Considerations** Designation as a LNR may open up potential for grant aid from Natural England for management work. Management work is currently met from existing budgets and no further financial requirements are anticipated.

(4) **Legal Considerations** Section 21 (1) of the National Parks and Access to the Countryside Act 1949 gives local authorities the power to acquire, declare and manage LNRs.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** None. Officer contact details – Steve Lloyd, extension 39793.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves the submission of an application by South Derbyshire District Council for the dedication of Swadlincote former landfill site as a Local Nature Reserve.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

APPENDIX 6

Example of a nature reserve agreement

There is no need for so formal an agreement as this. It does, however, show the range of matters which need considering. Any agreement needs to make absolutely clear what is agreed and who is responsible for doing what. So long as the legal advisors of all the parties to the agreement are satisfied, this is all an agreement requires.

Dated 24 October 1974

The Mayor Alderman and Burgesses of the London Borough of Ealing and the Selbourne Society
Agreement declaring Perivale Wood Middlesex to be Nature Reserve.

An AGREEMENT under the seal dated 24th of October 1974 and made between The Selborne Society Ltd whose registered office is at 2 Greycoat Place, Westminster, London SW1 1SD (hereinafter called "The Society") of the one part and The Mayor, Aldermen and Burgesses of the London Borough of Ealing (hereinafter called "The Council") of the other part.

WHEREAS

- (1) The Society is a Charity registered under the Charities Act 1960 with No. 267635 and the property more particularly described in the schedule hereto and known as Perivale Wood is a separate charity known as "the Gilbert White Memorial" but has been registered as a subsidiary charity of the society (all which property is hereinafter called "the Reserve").
- (2) The Reserve was acquired for and on behalf of the Society firstly by an Indenture of Conveyance of Sale dated the 2nd day of March 1992 made between the Ecclesiastical Commissioners for England (1) and Arthur Holte Macpherson and Julian Sorrel Huxley and Arthur Gilbert Dacre Farrer (2) and secondly; by a conveyance on sale dated the 5th day of November 1931 made between the same parties as were parties to the said Conveyance of 2nd March 1992 and this Deed is supplemental to the said Conveyances.
- (3) By Declarations of Trust dated respectively the 20th day of April 1922 and 26th November 1931 and made between the parties of the second part to the said two conveyances (thereinafter called "the Trustees") of the one part and the Society of the other part (to which this Deed is supplemental) it was recited that the Reserve had been purchased by moneys provided by the Society and the Trustees declared (inter alia) that they held the same property upon trust to use or allow the same to be used either as a Nature Reserve or Bird Sanctuary and that the same should be known as the Gilbert White Memorial and the said property should be subject to the control and management of the Bird Sanctuary Committee nominated by the Society or such other committee or persons as should from time to time be nominated by the Society.
- (4) Whereas Sir Julian Sorrel Huxley is the only surviving trustee of the two declarations of trust and at the request of the Society he applied to the Charity Commission for an order vesting the legal estate in the Reserve in the Official Custodian for the Charities and by an order dated the Second day of October 1974 (to which this deed is supplemental) the Charity Commission made the said order.
- (5) The Society and the Council have mutually agreed to enter into this Agreement in accordance with the provisions of Part III of the National Parks and Access to the Countryside Act 1949 as amended.
- (6) The Council has consulted Natural England which has given its consent to the establishment of the Reserve as a Nature Reserve.

NOW THEREFORE IT IS HEREBY AGREED between the parties hereto as follows:

- 1 The Council will within 28 days from the date of this Agreement declare the Reserve a Nature Reserve and The Society will manage the Reserve as a Nature Reserve within the meaning of Section 15 of the National Parks and Access to the Countryside Act 1949. That is to say for the purpose of:
 - (a) Providing under suitable conditions and control special opportunities for the study of and research into matters relating to the fauna and flora of Great Britain and the physical conditions in which they live and for the study of geological and physiographical features of special interest in the area.
 - (b) To carry out the provisions of the Management Plan at its own expense.
 - (c) To provide facilities for properly supervised parties of students and school children to use the Reserve in connection with the purposes described in Clause 1 hereof in such numbers as may be compatible with the achievement of such purposes.
 - (d) To establish a Reserve Management Committee that shall be a standing committee of the Society.
 - (e) To submit an Annual Report to the Council as to the management of the reserve.
- 2 The Council shall not be required to give any assistance whether financial or otherwise in the management of the Reserve but may under Section 20 of the National Parks and Access to the Countryside Act 1949 make such bye-laws as they may think fit for the proper control thereof. The Council shall submit a draft of any proposed bye-laws to the Society and shall consider any representations made by the Society in relation to such draft bye-laws.
- 3 Subject to the provisions of the Town and Country Planning Act 1971 as amended or any enactment replace the same the Council will permit the carrying out of all works necessarily incidental to the purposes described in Clause 1 hereof and will permit the erection of any necessary boards or signs drawing attention to the Reserve or any bye-laws which may be made in relation thereto.
- 4 This agreement shall continue in force for a term of 21 years and thereafter until determined by either party hereto giving to the other twelve months' notice in writing expiring at any time. In witness whereof the Common Seals of the parties hereto have been hereunto affixed this 24th day of October one thousand nine hundred and seventy four.

The Schedule above referred to

Firstly the land conveyed by the said conveyance dated 2nd March 1922 being ALL THOSE pieces of land and wood (known as Perivale Wood) situated in the Parish of Greenford in the county of Middlesex containing in the whole Twenty five acres three roods and thirty eight perches or thereabouts and more particularly described in the First Schedule thereto and delineated on the plan annexed to the said Conveyance of 2nd March 1992 and thereon coloured pink.

And secondly all that triangular piece of land conveyed by the said conveyance dated 5th November 1931 being all that land containing three roods or thereabouts situated in the Parish of Greenford in the County of Middlesex bounded towards the North by Perivale Wood aforesaid and coloured pink on the plan drawn in the margin of the said conveyance of 5 November 1931.

THE COMMON SEAL of the SELBORNE SOCIETY LIMITED was hereunto affixed in the presence of: