

Committee: **Executive Committee**

Date of meeting: **11th March 2020**

Report Subject: **Local Nature Reserve Designation & Declaration**

Portfolio Holder: **Cllr. Garth Collier, Deputy Leader / Executive Member Environment**

Report Submitted by: **Clive Rogers, Head of Community Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
10/12/19	17/12/19	26.02.20			16/01/20	11/03/20		

1. Purpose of the Report

- 1.1 The purpose of this report is to recommend the approval of the designation and declaration of five Local Nature Reserves; Beaufort Hill Ponds & Woodland, Central Valley, Garden City, Parc Bryn Bach and Sirhowy Hill Woodlands.
- 1.2 Local Nature Reserves are important for both people and nature.

2. Scope and Background

- 2.1 The National Parks and Access to the Countryside Act 1949 says that “For a site to become a Local Nature Reserve it must have natural features of special interest to the local area, and the authority must either have a legal interest in the land or have an agreement with the owner to manage the land as a reserve.” Local Authorities have the power to designate Local Nature Reserves on any land in their area, provided that the power is exercised in consultation with NRW (Appendix 1 shows form to submit to NRW when council approved).
- 2.2 Blaenau Gwent County Borough Council currently has seven Local Nature Reserves designated; Cwmcelyn Pond (2013), Cwmtillery Lakes (2009), Parc Nant y Waun (2009), Roseheyworth Community Woodlands (2013), Six Bells / Parc Arrail (2013), Trevor Rowson (2013) and Silent Valley (1997). The area designated and declared totals 120.3 hectares.
- 2.3 More information is available on the Local Nature Reserves proposed to be designated and declared. In summary:
- | | | |
|---------------------------------|----------|-------------------------------|
| Beaufort Hill Ponds & Woodlands | 79.7 ha | Community group supports |
| Central Valley | 10.5 ha | Gwent Wildlife Trust supports |
| Garden City | 45.3 ha | |
| Parc Bryn Bach | 109.7 ha | ‘Friends of’ group supports |

Sirhowy Hill Woodlands 70.1 ha Community group supports
Maps are in Appendix 2.

- 2.4 Declaration and designation will contribute to the council's Biodiversity and Ecosystem Resilience Forward Plan (2019-22) to comply with the duty placed on us by the Environment (Wales) Act 2016.
- 2.5 Four of the sites have been put forward before for declaration but have had issues with disputed land and boundaries, which are now resolved. The fifth is Central Valley nature reserve which demonstrates positive regeneration for nature and people on part of The Works site.
- 2.6 Common land is considered suitable to be designated as LNRs¹. This is relevant to the Beaufort Hill Ponds and Woodland site, which is also designated as Mynydd Llangattock Common (BCL018). It is also relevant to the Garden City and Sirhowy Hill Woodland sites which are noted as replacement common land should the deregistration of part of Trefil-Las and Twyn Bryn-March Common (BCL015) go ahead.
- 2.7 Four of the sites, all except for Garden City, were acquired and reclaimed using former Welsh Development Agency (now Welsh Government) Derelict Land Reclamation Funding and as such the Council needs to comply with its Explanatory Memorandum on Derelict Land Reclamation, which broadly means Welsh Government has to approve the principle of the designation of the sites as Local Nature Reserves.
- 2.8 There are several leaseholders on the sites including community groups, Welsh Water, Network Rail, Aneurin Leisure Trust and individuals. A draft letter to inform leaseholders is included in Appendix 3.

3. Options for Recommendation

3.1 Options Appraisal

- **Option 1:** Not to designate and declare five Local Nature Reserves
 - **Option 2: Preferred option** To designate and declare five Local Nature Reserves; Sirhowy Hill Woodlands, Beaufort Hill Ponds & Woodland, Parc Bryn Bach, Garden City, and Central Valley.
- 3.2 Designating and declaring 5 more Local Nature Reserves primarily meets the objective in the Biodiversity and Ecosystem Resilience Forward Plan (2019-22) to 'Maintain and enhance biodiversity and improve ecosystem resilience on council owned land, particularly with regard to priority species and habitats' which meets our duty under the Environment (Wales) Act 2016.
 - 3.3 No recommendations were received from Community Services DMT.
 - 3.4 No recommendations were received from Regeneration & Community Services SMT meeting on 10/12/19.

3.5 Comments were received regarding section 5.1 from CLT on 17/12/19 and the report modified accordingly.

3.6 Community Services Scrutiny Committee 16/01/20:
The committee endorsed option 2.
Councillors expressed concerns about the impact on proposed developments at Parc Bryn Bach and also the management of existing and new LNRs. Meetings have subsequently taken place internally and with Aneurin Leisure Trust.

Four of the proposed LNRs, Central Valley excepted, are already designated as Sites of Importance for Nature Conservation (SINCs) in the current Local Development Plan 2012-2021. Policy DM14 applies to SINCs and LNRs.

Therefore, there is no extra planning burden through the designation of the sites as LNRs. Central Valley will be assessed for SINC designation in the current LDP review.

There is Welsh Government funding in place in Greater Gwent for the management of LNRs until 2022 (see 5.1).

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 **Corporate Plan Priority:**

Designating and declaring five more Local Nature Reserves primarily contributes to meeting the following priority:

4.2 Strong and Environmentally Smart Communities
- To improve the access to and quality of open spaces for the benefit of our communities, businesses and visitors.

4.3 **Blaenau Gwent Well-being Plan**

Designating and declaring five more Local Nature Reserves meets all of the well-being plan objectives:

- The best start in life for everyone
- Safe and friendly communities
- To look after and protect the environment
- To forge new pathways to prosperity
- To encourage and enable people to make healthy lifestyle choices in the places that they live, learn, work and play

4.4 **Well-being of Future Generations (Wales) Act 2015**

4.5 The Plan directly contributes to actions needed for the 'resilient Wales' goal: "A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and

ecological resilience and the capacity to adapt to change (for example climate change)”

- 4.6 By designating and declaring five more Local Nature Reserves the Local Authority will be acting in line with the approved Biodiversity and Ecosystem Resilience Forward Plan (2019-2022), to meet our duty under the Environment (Wales) Act 2016 and maximise its contributions to the Well-being Goals.

5. Implications Against Each Option

5.1 ***Impact on Budget (short and long term impact)***

Designating and declaring five more Local Nature Reserves requires resource to maintain and enhance their biodiversity and ecological resilience. The officer resource will be covered within the existing revenue budget. The ecology technical support maintains the management plans for the Local Nature Reserves, which meets our Environment (Wales) Act 2016 Section 6 Duty.

The council has secured funding from the Enabling Natural Resources and Well-being Grant, funded by Welsh Government, for the Resilient Greater Gwent project, until July 2022. The total project value is £1.3million to deliver 12 sub-projects across the five local authority areas in Greater Gwent with a range of public, charitable and private sector partners. The sustainable communities work stream will deliver the management actions required for the sites, such as woodland management, hedge laying, species surveys and meadow cuts. The Resilient Greater Gwent project will encourage long-term sustainable management through skills and capacity building within existing and new community groups.

The existing three community groups and Gwent Wildlife Trust manage the Local Nature Reserves in partnership with us in line with the ecological management plans. The community groups do apply to and succeed in securing external funding streams such as the Tesco bags for life scheme.

The potential loss of future funding is a risk however the mitigating factors are:

- Partnership working
- Long term management agreements
- Community Groups, especially after skills and capacity building
- Seeking alternative funding sources

5.2 ***Risk including Mitigating Actions***

The main risk is that failure to designate and declare these Local Nature Reserves may cause community group disengagement; not give protection to the sites under the Local Development Plan and ultimately would make our corporate commitment to ‘improving the access to and quality of open spaces for the benefit of our communities, businesses and visitors’ more difficult to achieve.

5.3 **Legal**

The National Parks and Access to the Countryside Act 1949 says that “For a site to become a Local Nature Reserve it must have natural features of special interest to the local area, and the authority must either have a legal interest in the land or have an agreement with the owner to manage the land as a reserve.” The allocation of the sites as LNR’s will restrict the ability of the Council to dispose of the sites, disposal will require seeking Ministerial consent.

5.4 **Human Resources**

Local Nature Reserves can contribute to staff health and well-being. For example, by raising awareness of the nearest Local Nature Reserves to council buildings for walks during breaks and walking meetings staff health and well-being could be enhanced.

6. **Supporting Evidence**

6.1 **Performance Information and Data**

The Local Nature Reserves have current management plans or plans under review.

6.2 **Expected outcome for the public**

Biodiversity underpins the health and resilience of all of our ecosystems. In turn, these ecosystems support all life on Earth. This means that taking positive action for biodiversity and ecosystem resilience in Blaenau Gwent will enhance the natural resources the public utilise such as clean water, air and food production including pollination services. The natural environment is also a vital resource to enhance mental and physical health and well-being.

6.3 **Involvement (consultation, engagement, participation)**

The sites proposed for designation and declaration have been discussed with the Estates department who have provided information around land ownership and the current position with the allocation of some of the sites as replacement Common Land for an internal project.

The proposal was discussed with the community group involved with each Local Nature Reserve and their letters of support are in Appendix 4.

6.4 **Thinking for the Long term (forward planning)**

Declaring a LNR protects it for the long-term in the Local Development Plan. To de-declare a LNR the local authority would have to consult with Natural Resources Wales (NRW). LNRs should only be de-declared if absolutely necessary.

6.5 **Preventative focus**

Contributing to the maintenance and enhancement of biodiversity and ecosystem resilience will help to mitigate climate change and provide positive opportunities to maintain and improve mental and physical health and well-being.

6.6 **Collaboration / partnership working**

Management of the LNRs is undertaken in partnership with community groups

and Gwent Wildlife Trust.

Information about LNRs should be shared with the Blaenau Gwent Public Service Board. Many of the community groups who assist in managing the nature reserves are partners of the Blaenau Gwent & Torfaen Local Nature Partnership, which will assist with a strategic approach to environmental and ecological management in both boroughs.

6.7 Integration (across service areas)

Access to a healthy natural environment has many benefits to all services.

6.8 EqIA (screening and identifying if full impact assessment is needed)

A brief Equality Impact Assessment has been undertaken and is attached as Appendix 5.

Local Nature Reserve management plans and the community groups managing the sites will take into account each of the protected characteristics protected under the Equality Act 2010. They are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Further work is required to ensure that Local Nature Reserves are meeting Equality requirements, particularly with regards to access for disabled people.

These actions are being considered following the Welsh Audit Office assessment of the corporate plan objective 'to improve the access to and quality of open spaces for the benefit of our communities, businesses and visitors.'

7. Monitoring Arrangements

- 7.1 The status of Local Nature Reserve management will be monitored as part of the Biodiversity and Ecosystem Resilience Forward Plan (2019-22) monitoring through service area business plans.
- 7.2 An annual monitoring report will be submitted to the ERED Scrutiny committee in the first quarter of each financial year (2020, 2021 and 2022) summarising progress and any updates on the Biodiversity and Ecosystem Resilience Forward Plan 2019-2022.
- 7.3 Further monitoring may be available from the monitoring and evaluation activity for the ENRaW funded Resilient Greater Gwent and Gwent Green Grid projects (numbers 075 and 076 respectively).

9. Background Documents /Electronic Links

- [1 https://www.gov.uk/guidance/create-and-manage-local-nature-reserves](https://www.gov.uk/guidance/create-and-manage-local-nature-reserves)
- [2 https://gov.wales/sites/default/files/publications/2018-01/common-land-at-trefil-order.pdf](https://gov.wales/sites/default/files/publications/2018-01/common-land-at-trefil-order.pdf)
- <https://gov.wales/docs/desh/publications/150512-biodiversity-and-resilience-of-ecosystems-duty-en.pdf>
- <https://www.wildlifetrusts.org/sites/default/files/2018->

9. **Glossary**

9.1 Biodiversity - means 'biological diversity' which refers to all the variety of life on Earth (plants, animals, fungi and micro-organisms) as well as to the communities that they form and the habitats in which they live.

9.2 Ecosystem - dynamic network of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

9.3 Ecosystem Resilience - is the ability of an ecosystem to maintain its normal patterns of nutrient cycling and biomass production after being subjected to damage caused by an ecological disturbance.

10. **Appendices**

10.1 NRW LNR Declaration Blaenau Gwent

10.2 Maps of proposed Local Nature Reserves

10.3 Letter to leaseholders

10.4 Letters of support

10.5 Equality Impact Assessment 04_11_19