



## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

**DECISIONS** to be made by the Lead Member for Transport and Environment,  
Councillor Claire Dowling

**MONDAY, 18 JANUARY 2021 AT 10.00 AM**

**COMMITTEE ROOM, COUNTY HALL, LEWES**

**++Please note, the Lead Member will not be present in person, but will be taking the decisions remotely++**

### **AGENDA**

- 1 Decisions made by the Lead Cabinet Member on 17 November 2020 (*Pages 3 - 4*)
- 2 Disclosure of Interests  
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3 Urgent items  
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Bus Stop Clearway proposals in Hastings (*Pages 5 - 12*)  
Report by the Director of Communities, Economy and Transport
- 5 Delegation of powers to declare a Local Nature Reserve - Ninfield (*Pages 13 - 18*)  
Report by the Director of Communities, Economy and Transport
- 6 Any urgent items previously notified under agenda item 3

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8 January 2021

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## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Claire Dowling, on 17 November 2020 at County Hall, Lewes

++ The Lead Member was not present in person, but took the decisions remotely ++

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### 22 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 19 OCTOBER 2020

22.1 The Lead Member approved as a correct record the minutes of the meeting held on 19 October 2020.

### 23 REPORTS

23.1 Reports referred to in the minutes below are contained in the minute book.

### 24 HIGHWAY MAINTENANCE - CONSIDERATION OF CHARACTER

24.1 The Lead Member considered a request by the Assistant Director, Operations to defer the report to a future meeting, to allow for further engagement with partner authorities.

### DECISIONS

24.2 The Lead Member RESOLVED to agree to the deferment of the report.

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**Report to:** Lead Cabinet Member for Transport and Environment

**Date of Meeting:** 18 January 2021

**By:** Director of Communities, Economy and Transport

**Title:** Bus Stop Clearway proposals in Hastings

**Purpose:** To consider objections received to a notification to install measures at a bus stop in Hastings, designed to make it accessible to service users who are disabled or have mobility difficulties.

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**RECOMMENDATION:** The Lead Member is recommended to:

- (1) Note the objections to the application of a 'Clearway' markings at the bus stop set out in this report, and,**
  - (2) Approve the application of the 'Clearway' marking to improve accessibility to the bus stop and promote its use for all members of the community.**
- 

## **1. Background Information**

1.1 East Sussex County Council as the local transport authority (LTA) is responsible for bus stops. In undertaking their activities LTAs and other public bodies are subject to the Equality Act 2010 and the duty to make reasonable adjustments to ensure bus stops are sufficiently accessible to meet the needs of disabled passengers. All local service buses designed with 22 seats or more must comply with the Public Service Vehicles Accessibility Regulations, including being able to carry passengers who are wheelchair users.

1.2 The County Council has been promoting improvement works to a series of existing bus stops on the most frequent bus routes across Bexhill, Hastings and St Leonards, as part of the Hastings and Bexhill Movement and Access Package which is being funded using Local Growth Fund (LGF) monies secured through the South East Local Enterprise Partnership (SELEP). A prioritised list of 85 bus stops requiring improvement across Bexhill (40 stops) and Hastings & St Leonards (45 stops) was developed in consultation with the County Council's Transport Hub Team and the bus operating company Stagecoach and includes stops where passengers or buses may have difficulty accessing the kerbside. Improving bus stop provision could also attract more use of public transport, thereby helping to ease traffic congestion and improving air quality.

1.3 Varying from stop to stop, the works comprise adjustments to make the stops more accessible to passengers, which benefit disabled persons and those who face difficulties in using bus services, including the elderly and parents with infants in buggies. This includes installing high kerbs to reduce the distance to step on or off the bus, providing a hardstanding area for passengers to stand; and at some stops real time passenger information displays boards have been installed to inform users of when the next bus is expected. In addition, bus stop 'Clearway' markings were proposed to be installed on the carriageway, preventing vehicles from stopping in the vicinity of the stops and allowing the bus to pull up to the kerbs.

1.4 Stakeholders, including County and District/Borough Councillors; the Borough or District Council; residents and businesses living adjacent/opposite to a stop, were informed either by email or via a letter which included a plan of the proposed works to a bus stop where they may have an interest, in advance of work taking place. In addition, a laminated Notice and plan drawing was erected at the stop or nearest item of street furniture (i.e. street lighting column).

1.5 These works, including the application of the 'Clearway' markings (which restrict on-street parking) do not require a Traffic Regulation Order to implement and are not subject to standard consultation or

objection periods. However, the County Council offers a 21-day period for stakeholders to raise objections, comments and observations. The County Council and East Sussex Highways have attempted to resolve any received objections by exploring alternative methods of achieving the accessibility objective. These may include reviewing 'Clearway' restriction times, adjusting kerb layouts, providing bus stop build-outs to reduce the impact on parking spaces and re-locating the stop.

1.6 However one stop has drawn an objection from a resident where resolution has not been possible and the objection remains. A plan and photograph of the site – A259 Old London Road, Hastings - is contained within Appendix 1.

1.7 This is a long-standing bus stop served by two buses an hour on Mondays to Saturdays and one bus an hour on Sundays (Stagecoach 'Wave' routes 100 and 101 and route 70). Data on the actual use being made of each bus stop is not available. Surveying usage would not be appropriate during the pandemic period due to changed travel patterns.

1.8 This bus stop also serves residents in Richmond Street and parts of North Terrace, as well as those in Old London Road and Stagecoach have re-affirmed their concern that this bus stop lacks adequate protection from parking.

## **2. Detailed Information**

### **2.1 H78 A259 Old London Road, Hastings.**

#### *Current situation*

2.1.1 On-street parking at this bus stop prevents buses getting close to the kerb, preventing them from being able to deploy their wheelchair ramp and impeding accessibility for those with mobility difficulties. The proposal is to apply a 'Clearway' marking, prohibiting vehicles from stopping at this location during the hours of 7am to 9pm to accord with the operational hours of the bus services which use this stop. The last bus is at 8:48pm. The proposed Clearway is 31m long and will remove up to six car parking spaces to provide enough space for the bus to manoeuvre but will permit parking at this location overnight between 9pm and 7am.

2.1.2 Letters and plans were issued to residents at the stop, both sides of the road, on 15 May 2020 and the period for comment ended on Friday 5 June 2020.

2.1.3 One objection was received from a resident via email regarding the necessity for the bus stop or the works, sightline obstructions and other safety concerns together with the inability for residents to park outside their properties. Further details on the objection is at Appendix 2. The resident has stated they will not withdraw their objection to the Clearway proposal.

#### *Commentary*

2.1.4 This bus stop is identified by the Transport Hub Team and the bus operator as one where buses are unable to access the kerbside due to on-street parking. There are accesses to private drives for most of the properties in this location, but this does not prevent residents or visitors to these properties parking across the accesses. It is an existing bus stop and visibility for residents will not alter from the current situation. The Personal Injury Crash records have shown no recorded incidents near this bus stop over the last three years. The site has been considered by the County Council's Road Safety Team and their observations have been taken into account. The Police have also been advised of the proposal and they have no safety concerns.

2.1.5 In order to improve accessibility for passengers at the bus stop and support the overall punctuality of buses accessing this stop, it is recommended to proceed with the proposal and apply the 'Clearway' marking and provide kerbside access to the stop for buses.

## **3. Conclusion and Reason for Recommendation**

3.1 Improvements to the public transport infrastructure in Hastings and Bexhill will help to improve passenger accessibility at bus stops and support the punctuality of bus services across both towns and

help engage more people to use public transport. In turn, this will contribute towards the County Council's commitment of net zero carbon emissions by 2050 and the Government's decarbonising transport agenda.

3.2 Following local consultation on improvements to a network of stops, an unresolvable objection has been received in relation to improvements in A259 Old London Road in Hastings. For the reasons set out in sections 2.1.4. – 2.1.5, it is recommended to not uphold the objection to the proposals for this bus stop and to agree that the works progress as part of the Hastings and Bexhill Movement and Access Local Growth Fund package for Hastings and Bexhill, subject to any delivery risks and delays arising from the current COVID-19 pandemic.

RUPERT CLUBB

Director of Communities, Economy and Transport

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#### LOCAL MEMBERS

Councillor Tania Charman

#### BACKGROUND DOCUMENTS

None

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Appendix 1 – Bus stop location and photograph

H78 Old London Road, Hastings



Fig 1: Google image of the existing bus stop on Old London Road.

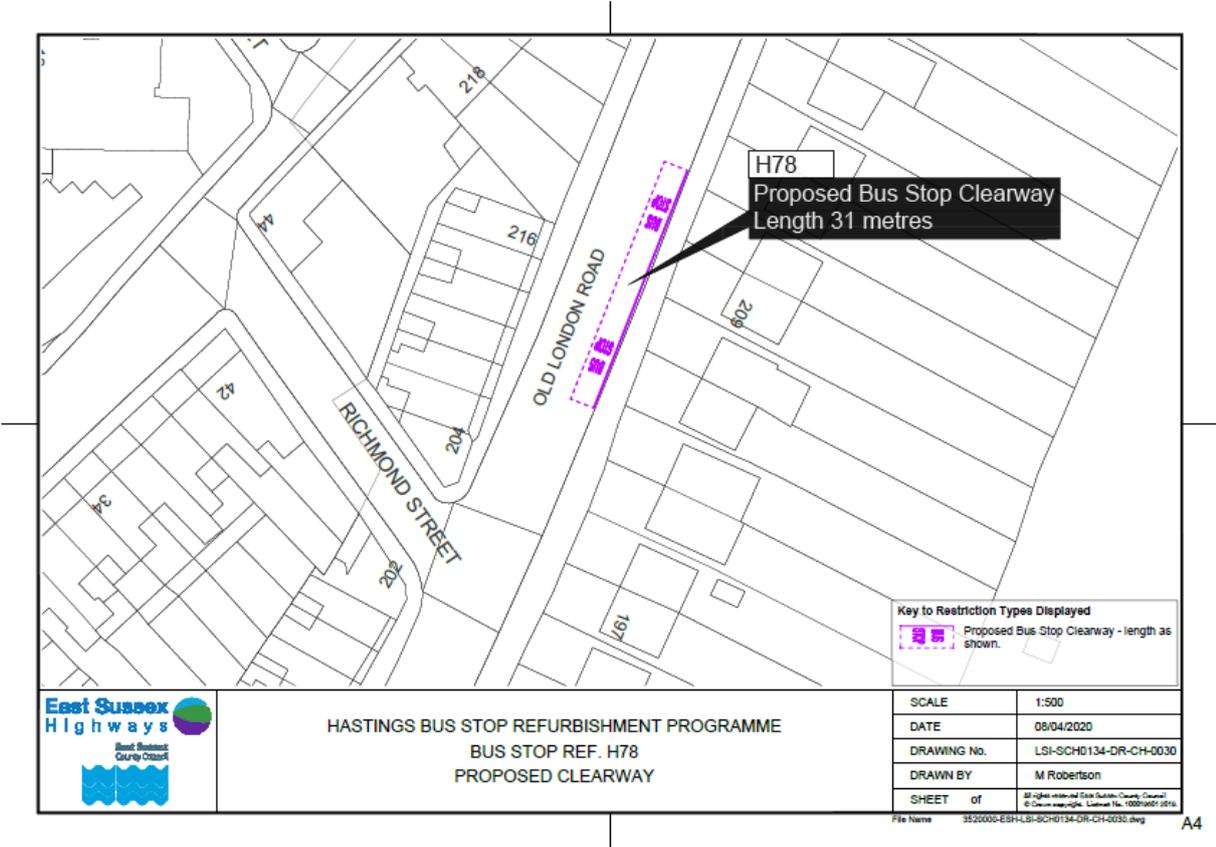


Fig 2: Plan showing the proposed Clearway markings on Old London Road.

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**Appendix 2 – Correspondence from residents****H78 Old London Road, Hastings**

Email objection

**Mr A, Old London Road, Hastings****18/05/2020**

The proposed changes to the bus stop (ref H78) are entirely unnecessary and a total waste of taxpayers money. There is ample room for passengers to alight safely, "as is."

There is absolutely no necessity for 31 metres of road markings as it will not improve the present situation in the slightest as buses already have easy access to the kerbside.

The one thing that will improve the situation is to remove the trees that are destroying the pavements and making it extremely dangerous for all pedestrians, not just bus passengers.

Perhaps it may be prudent to alert the "HEALTH AND SAFETY EXECUTIVE" and invite them to visit the road. In my view there will be a real danger of a serious accident, as the buses will obstruct the view of residents and visitors leaving their driveways on the extremely busy main A259 Coast road.

The safety of the residents must be paramount and should not be jeopardized for the sake of convenience. The lives of six families will be seriously affected if this proposal goes ahead.

The bus-stop in question is almost redundant and is barely used. (A fact I can attest to as the bus stops outside my property) and there is no need for any change as there are existing bus stops within a short distance further down Old London Road and a short distance up the road at the Mount Road junction.

I will be seeking legal advice and contacting my M.P. together with the other affected residents, with a view to preventing this total waste of council time, effort and resources, which I am sure could be better-used elsewhere.

As stated, the safety of the residents and their children must be the only consideration in this matter.

The convenience to the bus drivers must not be a consideration at all.

There is also an issue of discrimination, for no sensible reason, against the residents who will be the only people unable to park outside their own properties.

If you would care to pay a visit to the site we (The residents) would be glad to share our fears and concerns with you and the H.S.E.

**19/05/2020**

Dear Mr A,

Thank you for your recent email regarding the proposed Clearway marking on Old London Road (ref H78). I will forward your email to my Client at East Sussex County Council and they will consider the points you make and reply to you. In the meantime, no work will take place until a resolution has been arrived at and you have been informed.

I would like to highlight to you the bus stop is established at that location already. Buses and passengers use it regularly every day and I am not aware of any accidents being caused by a bus blocking visibility for other vehicles whilst it is in operation at this location. This stop arrangement is not uncommon countywide and is not perceived as a hazard, providing drivers exercise due care and attention. I will arrange for the accident record of Old London Road to be checked before we proceed any further.

Project Manager | Infrastructure &amp; Transportation

**19/05/2020**

Thank you for your prompt reply.

As you stated, the "access to" and "safety of" the stop is already excellent, due to the fact there are at least 30 metres of dropped-kerbs preceding the bus-stop; so there are no obstacles preventing the bus drivers gaining access to the kerb-side.

The fact there have been no accidents in the 27 years we have resided at no .XXX bears testament to the fact there is no real need or logical reason to change anything.

Visibility issues affect only my family and me at the moment as the "Parked" buses completely block the access and exit to my property alone. The reason there have been no incidents thus far is due to the fact that both myself and my family are extremely safety conscious and vigilant.

There have been many occasions where we have been stranded in the middle of the road awaiting an opportunity to access our property, due to a parked bus, and other impatient motorists have attempted to overtake. (especially motorcycles). Regardless of due care and attention and diligence on the part of the residents they have no control over such prevalent incidents.

There is also the danger to vehicles exiting Richmond street as vehicles travelling South overtake the parked buses.

Your proposed changes will bring safety issues for another five residents, plus the general public, therefore increasing the possibility of a tragic accident.

I reason there is absolutely no need for the bus-stop to exist at all. It would be a much safer road without it in its present position as there is a perfectly safe bus-stop a very short distance down the road. The planting of trees in close proximity to the bus-stop is obviously a cause for concern where passenger safety is involved, when boarding or alighting the bus.

Were it removed, the danger and risk to all residents and passengers would be removed also. Perhaps while you are checking the safety record of the bus-stop perhaps you could check the passenger statistics and assess whether it is a worthwhile use of public funds.

If you need a site meeting with peoples affected it would be nice to be consulted rather than merely informed "after the fact."

**27/05/2020**

Having received no reply from my email to you dated 19/05/20 I thought I would contact you again for an update. As the proposed work is starting in a couple of weeks I feel it necessary to push you for a response – or have you left it in the hands of the council as you proposed?

You stated that no works will start until we have resolved the issues over the concerns and fears of the residents. Is that still the case?

If you are no longer dealing with said concerns, could you please supply the name of the person who is dealing with them.

I have spoken to concerned residents and they are advocating involving our MP and the Observer newspaper.

Until I receive a reply from you it is difficult for us to move forward with our plan of action.

If I don't receive a reply soonest I will have to assume that nothing has changed and you are intending to proceed with the proposed changes.

**28/05/2020**

Dear Mr A,

Thank you for your latest email. I can give you an update; no problem.

I have forwarded your objection to my Client at East Sussex County Council. The issue is being discussed and will be included within the next County Council Lead Member report, due for discussion September 2020. I am no expert on the process, but I believe a decision is made at that meeting whether to go ahead with the works or not, based on the merit of what would be gained by carrying out the works vs what would be lost.

The Works will not continue until a) a decision is made at that meeting to continue with the works (in which case you will be informed well in advance of it taking place) or b) you withdraw your objection.

I hope this information is of some help. Once we have further news I will update you, but I suspect that will not be for several months. In the meantime if you have any questions about the work, drop me a message and I will do my best to answer them.

Project Manager | Infrastructure & Transportation

**28/05/2020**

Thank you for your prompt reply.

We will not be withdrawing our proposal and we still believe the bus stop should be removed completely, for the Health and Safety reasons stated in my email.

I am aware that the council is extremely short of funds, due to the problems our country is experiencing at this time; therefore, in our view, such projects are superfluous and there will be absolutely no "Gain" or "Value for Money" by spending taxpayers monies on this particular project.

<b>Report to:</b>	<b>Lead Cabinet Member for Transport &amp; Environment</b>
<b>Date of Meeting:</b>	<b>18 January 2021</b>
<b>By:</b>	<b>Director of Communities, Economy and Transport</b>
<b>Title:</b>	<b>Power to designate Local Nature Reserves</b>
<b>Purpose:</b>	<b>To seek Lead Member's agreement that the County Council delegate its powers to designate a Local Nature Reserve to Ninfield Parish Council.</b>

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**RECOMMENDATION:** The Lead Member is recommended to:

- (1) agree the delegation to Ninfield Parish Council of the County Council's power under section 21 of the National Parks and Access to the Countryside Act 1949 to designate as a local nature reserve land at Church Wood;**
  - (2) to recommend to the Governance Committee to agree the delegation to Ninfield Parish Council of the Council's power under sections 20 and 21(4) of the National Parks and Access to the Countryside Act 1949 to make byelaws in relation to land at Church Wood designated as a local nature reserve; and**
  - (3) delegate authority to the Director of Communities, Economy and Transport to enter into agreements and to take any necessary actions in respect of the above recommendation.**
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## **1 Background Information**

1.1 Ninfield Parish Council has requested that the County Council designate a new Local Nature Reserve (LNR), at Church Wood (Appendix 1). Under Regulation 5 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 the County Council can, with the agreement of both parties, delegate its executive powers to declare a LNR to a Parish Council. It is proposed that the future arrangements shall not require the County Council to be involved in site management.

## **2. Supporting Information**

2.1 A LNR is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended by Section 11 of the Natural Environment and Rural Communities Act 2006) ('NPACA'), by principal local authorities such as County Councils. Appendix 2 provides more detail on LNRs.

2.2 Under Sections 20 and 21(4) of the NPACA the County Council has powers for the protection of a LNR. Under section 101 of the Local Government Act 1972, it is proposed that these powers be delegated to the Parish Council, subject to consultation with the County Council.

2.3 It is understood that the Parish Council has the support of the local community and Natural England for the designation of Ninfield Woods as a LNR. The land in question is within the ownership of the Parish Council, the site does meet the criteria required for designation as a LNR and its designation as a LNR would not undermine any Development Plan policy relevant to the area and site.

2.4 It is proposed that the County Council enter into a Delegation Agreement with the Parish Council to formally delegate the power to designate a LNR and to, subject to agreement by the Governance Committee, make byelaws in relation to the LNR. Whilst the County Council will remain ultimately responsible for the management of the LNR once powers have been delegated, it is proposed that the Delegation Agreement will include an indemnity clause, similar to indemnity clauses used when the Council has previously delegated the power to designate a LNR and to make byelaws in relation to the LNR to

other Parish and Town Councils. The delegation and subsequent designation will not result in an increased financial burden on the County Council.

2.5 It is recommended that the delegation of powers under section 21 of the National Parks and Access to the Countryside Act 1949 to designate as a LNR land at Church Wood take effect immediately upon completion of the Delegation Agreement. The timescale to implement the relevant elements of the process to ensure a satisfactory transfer of roles and responsibilities will be established with the Parish Council. It is therefore proposed that authority to enter into any necessary agreements and to any required actions be delegated to the Director of Communities, Economy and Transport.

2.6 It is envisaged that Church Wood will continue to be managed in line with the existing management plan (attached as background document), and there is no conflict between the proposed LNR and the existing, or evolving local development plan.

### **3. Conclusion and Reason for Recommendation**

3.1 It is considered that the Delegation will support Ninfield Parish Council and enable an increase in well managed ecological sites for the benefit of the local community, in line with the East Sussex Environment Strategy. Therefore the Lead Member is recommended to:

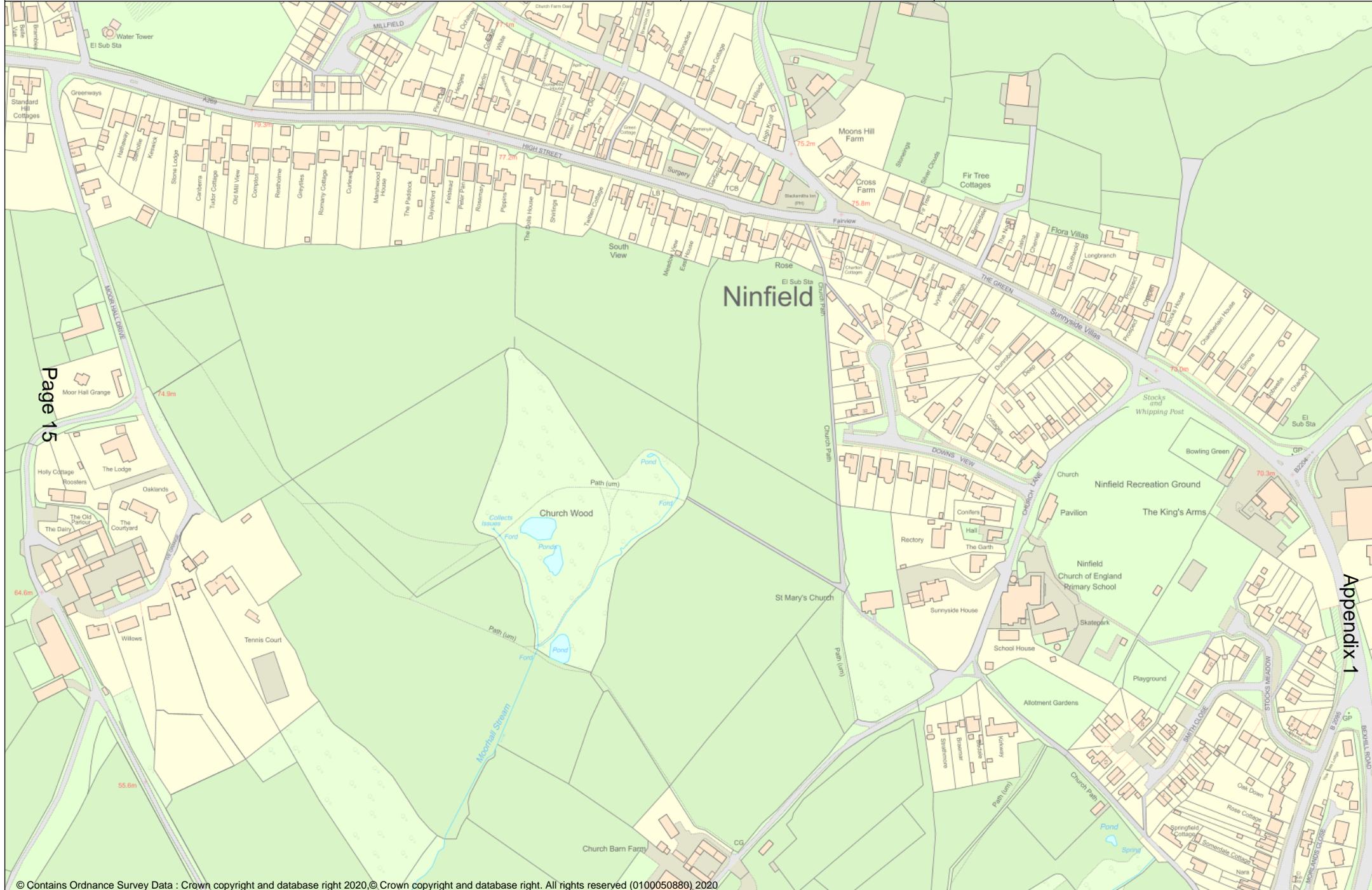
- 1) approve the delegation of power under section 21 of the National Parks and Access to the Countryside Act 1949 to designate as a LNR land at Church Wood;
- 2) recommend to the Governance Committee to delegate the powers under sections 20 and 21(4) of the National Parks and Access to the Countryside Act 1949 to Ninfield Parish Council to make byelaws for the protection of the LNR; and
- 3) delegate authority to the Director of Communities, Economy and Transport to enter into any agreements and take any actions necessary in order to facilitate the above recommendations.

RUPERT CLUBB  
Director of Communities, Economy and Transport

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LOCAL MEMBERS  
All

BACKGROUND DOCUMENTS:  
Church Wood Management Plan



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## LOCAL NATURE RESERVES (LNRs) – BACKGROUND INFORMATION

### Introduction

- LNRs are places with wildlife or geological features that are of special interest locally.
- Natural England (NE) recommends LNRs should be: (a) normally > 2ha; (b) capable of being managed with conservation of nature and/or maintenance of special opportunities for study, research or enjoyment of nature as the priority concern.
- Should also be either: (a) of high natural interest in the local context; or (b) of some reasonable natural interest and of high value in the local context for formal education or research; or (c) of some reasonable natural interest and of high value in the local context for the informal enjoyment of nature by the public.
- They are important for biodiversity conservation, the protection and interpretation of features important in earth sciences and in helping to reach BAP targets (and therefore in fulfilling biodiversity duties under the Natural Environment and Rural Communities Act, 2006). They are also of value for the contribution they make to the quality of the environment for local people, the part they play in community development and their values in education.

### Declaration of LNRs

- LNR is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal LAs (i.e. a county, borough or district).
- Under Section 101 of the Local Government Act 1972, a principal LA can, with the agreement of both parties, delegate its powers to declare a LNR to a Parish or Town Council.
- To establish a LNR, the declaring Local Authority (LA) must first have a legal interest in the land concerned, i.e. owning the freehold, leasing it, or having a nature reserve agreement with the owner. In the latter case, if the land is subject to a tenancy, both owner and tenant must be parties to the agreement. The powers given in Section 16 of the 1949 Act form the basis for any agreement. 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 parties to the agreement are satisfied, this is all an agreement requires.
- The land need not lie within the area which the declaring authority controls but if it does not, the authority within whose jurisdiction the land falls must be in agreement.
- The responsibility for selecting, acquiring and managing LNRs is the LAs'.
- In declaring a LNR, a LA accepts a commitment to manage the land as a nature reserve and to protect it from inappropriate uses or development.
- The 1949 Act gives powers of compulsory purchase to LAs in establishing LNRs, however these can only be used where LAs are convinced that they cannot arrive at a satisfactory agreement on reasonable terms. Where a breach of any nature reserve agreement occurs which prevents or jeopardises the proper management of a LNR, compulsory purchase is one possible solution.
- The process of selecting, acquiring, declaring and managing LNRs can be made easier if LAs use the expertise and advice offered by NE.
- The LA should also consult local communities and voluntary conservation bodies and put together outline management proposals for the site, making it clear what the long term objectives are.
- Thought should be given as to how the desired management of the site could be funded and any other costs involved.

The LA needs to write formally to the NE regional team to the effect that it intends to make the LNR declaration. The following steps should then be taken:

- a formal declaration document should be drawn up (needs only be one side of A4) accompanied by a map at a scale which accurately shows the LNR boundary;
- the declaration should be agreed by the relevant LA committees;
- a public notice announcing the declaration should be placed in a local paper and copies of the declaration and map made available for the public to inspect free of charge;

- the LA should formally notify the NE regional team of the LNR declaration in writing and send them a copy of the declaration, together with maps and any other details required about the reserve. NE will advise on what these are.
- LNR marked on Structure Plan maps and Local Development Framework proposal maps.
- Extensions to existing LNRs require the same procedures.

### **Management of LNRs**

- A LNR must be managed so that the features which gave the place its special interest are maintained. Good management is needed if the value of a reserve for its wildlife or geological interest is to be enhanced.
- When declaring a LNR, the LA accepts responsibility for ensuring that the special interest of the land is maintained. It must, therefore, consider carefully exactly how the reserve is to be managed, and by whom and what resources will be needed.
- Producing a simple management plan will help and all LNRs should have one.
- A growing number of LNRs is managed by local community volunteer groups, “Friends of” groups or organisations like county Wildlife Trusts, in agreement with the LA.
- Where the reserve is managed by the LA itself, management committees with representatives of local organisations can offer helpful advice.
- All LNR managers should seek the involvement of the local education authority so that the full potential of the LNR for education is realised.
- It may be desirable or necessary to apply bye-laws to any LNR, depending largely on the degree of public access to the LNR. Bye-laws cannot override existing rights over land and it is recommended that only one set of bye-laws be applied to any piece of land.

### **Why declare LNRs?**

- Should be seen as a useful planning tool. They:
  - increase people’s awareness and enjoyment of their natural environment;
  - provide an ideal environment for everyone to learn about and study nature;
  - can help build relationships between LAs, national and local nature conservation organisations and local people;
  - protect wildlife habitats and natural features;
  - offer a positive use for land which LAs would prefer was left undeveloped;
  - make it possible to apply bye-laws which can help in managing and protecting the sites.
- In addition, as LNR is a statutory declaration, it is a very clear indication to a local community of the LA’s commitment to nature conservation.
- LNRs can help LAs meet Biodiversity Action Plan (BAP) and Sustainable Development targets.
- NE recommends that LNRs should be provided at 1 ha per thousand population and accessible natural greenspace at levels ranging from 20 ha to 500 ha.

NE recommends that people living in towns and cities should have:

- a) accessible natural greenspace less than 300m (in a straight line) from home;
- b) at least one accessible 20ha site within 2km of home;
- c) one accessible 100ha site within 5km of home;
- d) one accessible 500ha site within 10km of home;
- e) statutory LNRs provided at a minimum level of 1ha per thousand population.

- In some areas, these levels of accessible natural greenspace provision will be hard to achieve in the short term, but they should nevertheless remain a long term aim.
- Ideally, LNRs should be placed in a clear strategic framework for accessible natural greenspace set out in Development Plans, other formal LA documents or Local BAPs. They could be seen as nodes in green networks which have a variety of uses.