

Report to: Lead Cabinet Member for Transport & Environment

Date of Meeting: 18 January 2021

By: Director of Communities, Economy and Transport

Title: Power to designate Local Nature Reserves

Purpose: To seek Lead Member's agreement that the County Council delegate its powers to designate a Local Nature Reserve to Ninfield Parish Council.

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.

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS:

Church Wood Management Plan