

TELFORD & WREKIN COUNCIL

**LICENSING COMMITTEE – 8th DECEMBER 2009
COUNCIL - 28th JANUARY 2010**

GRANVILLE COUNTRY PARK LOCAL NATURE RESERVE - BYELAWS

REPORT OF HEAD OF PLANNING & TRANSPORT

1.0 PURPOSE

1.1 For the Licensing Committee to consider a recommendation to Council.

2.0 RECOMMENDATIONS

2.1 That Council is recommended to approve the revocation of the existing byelaws known as ‘District of The Wrekin Council Granville Country Park Local Nature Reserve Byelaws’ as shown at Appendix A on the site shown at Appendix B.

2.2 That Council is recommended to approve the re-application of the Byelaws to the whole site known as “Granville Country Park Local Nature Reserve” as shown at Appendix C.

3.0 SUMMARY

3.1 On 9th June 2009 Cabinet:

3.2 **Approved the** de-declaration of the existing “Granville Country Park Nature Reserve Declaration” (also known as ‘District of The Wrekin Council Nature Reserve Number 1 Declaration 1989’) and the simultaneous re-declaration of the amended and extended “Granville Country Park Local Nature Reserve”;

3.3 Delegated authority was given to the ‘Head of Legal Services’ to take steps, if necessary, to revoke the existing byelaws and reapply the byelaws to the whole site known as “Granville Country Park Local Nature Reserve” (the “LNR”).

3.4 There are existing byelaws upon the LNR which were created by the Secretary of State in September 1993. The Government department Defra has confirmed that where an LNR to which byelaws apply is extended or part is de-declared it is necessary to revoke the byelaws and new ones approved for the amended area of land.

3.5 The making, variation or revocation of bye-laws, is a function of the Licensing Committee and Council.

4.0 PREVIOUS MINUTES

4.1 Cabinet report 9th June 2009 entitled 'Amendment and Extension of Local Nature Reserve – Granville Country Park'. Minute reference CB-14 – 9th June 2009

5.0 INFORMATION

5.1 "Granville Country Park Local Nature Reserve" is in the process of being amended and extended under Section 21 of the 'National Parks and Access to the Countryside Act 1949'. There are existing byelaws upon the LNR (Appendix A), which were created by the Secretary of State in September 1993 and are based on Defra's model byelaws. The purpose of the byelaws is to protect the scientific interest of the LNR from potentially damaging activities.

5.2 It is proposed that the existing byelaws are re-applied unchanged as they are based on the model byelaws outlined in Defra's guidance, "A Guide to Making Local Nature Reserves Byelaws".

5.3 Defra recommends that informal consultation with local residents, the police and other interest groups should be undertaken, especially if the byelaws are potentially controversial. As it is proposed to reapply the existing byelaws, which are based on the model byelaws, it is believed that they are not controversial.

5.4 As recommended, the Council has carried out consultation with local residents and interest groups through the Granville Steering Group, which includes representatives the Friends of Granville, Cllr Nigel Dugmore (Muxton Ward) and Shropshire Wildlife Trust. The group supported the proposal and accepted the byelaws without change. Internal consultation within the Council has been carried out and no comments or objections to the proposal were made. Lilleshall & Donnington Parish Council considered the byelaws at their meeting on the 7th September and no objections to the proposal were made.

5.5 The Licensing Committee are required to make a recommendation to Council.

6.0 EQUALITY & DIVERSITY

6.1 All members of the community should have the opportunity to benefit from the diverse range of species and habitat present in the Borough. Research has shown that improving the provision of and access to natural green space can be valuable to a wide range of groups within the community, especially children and young people.

7.0 ENVIRONMENTAL IMPACT

7.1 The impacts of this proposal are environmentally beneficial.

8.0 LEGAL COMMENT

8.1 The Local Authorities (Functions & Responsibilities) (England) Regulations 2000, Schedule 1, Regulation 2(1) states that functions relating to making, amending,

revoking or re-enacting byelaws must be the responsibility of the Council and is a non-delegated function of the Licensing Committee.

There are existing byelaws upon the LNR which were created by the Secretary of State in September 1993. Where an LNR to which byelaws apply is extended or part is de-declared it is necessary to revoke the byelaws and seek the approval for the new ones for the amended area of land. There are procedural formalities to complete so as not to undermine the enforceability of the byelaws and after the consultation period confirmation of the byelaws will be sought from the Secretary of State.

9.0 LINKS WITH CORPORATE PRIORITIES

9.1 While the proposals described in this paper will help support many of the corporate priorities it is “Priority 3: Maintaining a High Quality, Attractive and Sustainable Environment” that provides the closest link. Designation of Local Nature Reserves also helps to protect and enhance the natural environment and Biodiversity of the Borough, a key objective in the Environment Sub Priority Plan 1.

10.0 OPPORTUNITIES AND RISKS

10.1 The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

11.0 FINANCIAL IMPLICATIONS

11.1 The extension of byelaws to the wider area as recommended in this report is not anticipated to increase costs above a level which can be contained within existing budgets.

12.0 WARD IMPLICATIONS

12.1 These proposals affect Muxton Ward although the benefits will also be available to residents of the Borough as a whole.

13.0 BACKGROUND PAPERS

A Guide to making Local Nature Reserve Byelaws (Defra, 2007)

Local Nature Reserves in England: A Guide to their selection and declaration (English Nature)

Local Nature Reserves: places for people and wildlife (English Nature)

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BYELAWS

DISTRICT OF THE WREKIN COUNCIL

GRANVILLE COUNTRY PARK LOCAL NATURE RESERVE

The District of the Wrekin Council in exercise of the powers conferred upon them by sections 20,21 (4) and 106 of the National Parks and Access to the Countryside Act 1949 in accordance with section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the local Nature Reserve at Granville Country Park in the Parish of Lilleshall and Donnington in the County of Shropshire.

1. In these byelaws

a. "The Reserve" shall mean the pieces or parcels of land containing in the whole thirteen hectares or thereabouts and situate in the Parish of Lilleshall and Donnington in the County of Shropshire declared to be managed as a local Nature Reserve by the declaration dated the 22nd day of November 1989 made by the District of the Wrekin Council in pursuance of section 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein coloured pink.

b. "The Council" shall mean the District of the Wrekin Council.

c. "Firearm" shall have the same meaning as in section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 3 or are necessary to the proper execution of his or her duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

RESTRICTION OF ACCESS

(i) Entering at any time those parts of the Reserve where notice to keep out has been posted by order of the Council.

DAMAGE TO OR DISTURBANCE OF THINGS IN THE RESERVE

(ii) Spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.

(iii) Taking, molesting or intentionally disturbing, injuring or killing any living creature.

(iv) Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for the shelter or protection of any living creature.

(v) Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

(vi) Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

BRINGING ANIMALS INTO THE RESERVE

(vii) Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.

(viii) Bringing into, or permitting to remain within, the Reserve any dog unless it is kept on a lead or any other animal unless it is kept under proper control and is prevented from worrying or disturbing any animal or bird.

(ix) Turning out any animal or poultry to feed or graze.

AREAS OF WATER

(x) Committing any act which pollutes or is likely to cause pollution of any water.

(xi) Bathing or wading in any water in contravention of a notice exhibited beside the water by order of the Council.

(xii) Obstructing the flow of any drain or watercourse.

USE OF VEHICLES

(xiii) Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft) elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose.

(xiv) Landing any aircraft except in case of emergency.

(xv) Launching or landing except in an emergency a hang glider.

(xvi) Operating any hang glider at such a height that persons on the ground or in buildings may be inconvenienced or annoyed.

USE OF CERTAIN EQUIPMENT

(xvii) Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.

(xviii) Using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

USE OF FIREARMS ETC.

(xix) Being in possession of a firearm (with ammunition suitable for use in that firearm) otherwise than on a public paved road, or discharging a firearm or lighting a firework.

(xx) Projecting any missile manually or by artificial means.

GENERAL PROHIBITIONS

(xxi) Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.

(xxii) Flying any kite or model aircraft.

(xxiii) Erecting any post, rail fence, pole, booth, stand, building or other structure.

(xxiv) Neglecting to shut any gate or to fasten it if any means of doing so are provided.

(xxv) Posting or placing any notice or advertisement.

(xxvi) Selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.

(xxvii)(a) Engaging in any activity which is causing or likely to cause a disturbance.

(b) Holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.

(xxviii) Intentionally or recklessly removing or displacing, any notice board, notice exhibited by order of the Council, apparatus, wall, boundary bank, fence, barrier, railing, post or hide.

(xxix) Roller skating, skiing, tobogganing, or skate-boarding.

(xxx) Lighting any fire, stove, heating or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for camping.

(xxxi) Letting fall or throwing any lighted match or substance in a manner likely to cause fire.

(xxxii) Intentionally leaving items, in a place other than a receptacle provided by the Council for deposit of litter or refuse.

INTERFERENCE WITH DULY AUTHORISED OFFICER

(xxxiii) Intentionally obstructing any officer of the Council or any person, or the servant of any person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

3. (1) The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(2) Any such permit shall be issued subject to the following conditions :

(a) That it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf ; and

(b) that it may be revoked by the Council at any time.

4. These byelaws shall not operate so as to interfere with the exercise -

(a) by a person of -

(i) a right vested in him or her as owner, lessee or occupier of land in the Reserve,

(ii) any easement or profit a prendre to which he or she is entitled,

(iii) any public right of way.

(b) Of any functions of a local authority, statutory undertaker or drainage authority.

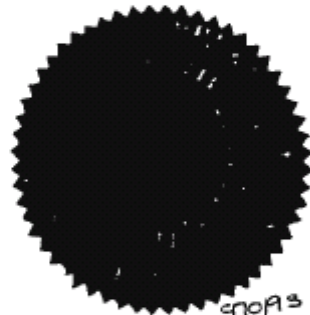
(c) By a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his or her duty.

5. Any person who offends against any of these byelaws shall be liable on summary conviction to a fine on level 2 as laid down in the Criminal Justice Act and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

THE COMMON SEAL of the)
DISTRICT OF THE WREKIN COUNCIL)
was hereunto affixed)
in the presence of :-)

R.G. Wolter
Chief Solicitor

~~R.A. Yeomans~~
~~Head of Administration & Legal Services~~



97093
MINNO 63
12.3.93.

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into operation on the day of One thousand nine hundred and ninety three.

Signed by the authority of the Secretary of State

PR2L.BYE

The Secretary of State hereby confirms the foregoing Byelaws

Signed by Authority of the Secretary of State

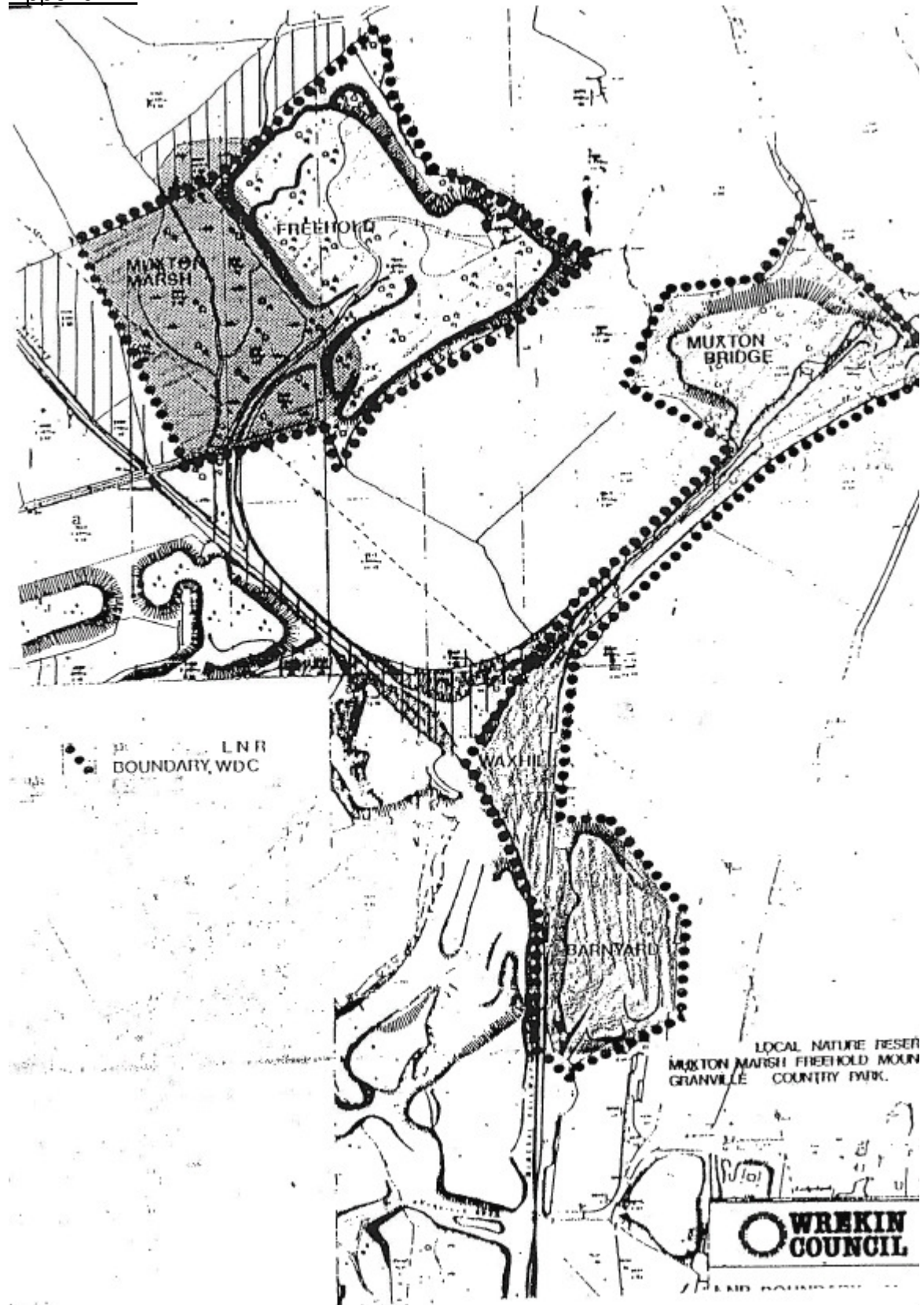


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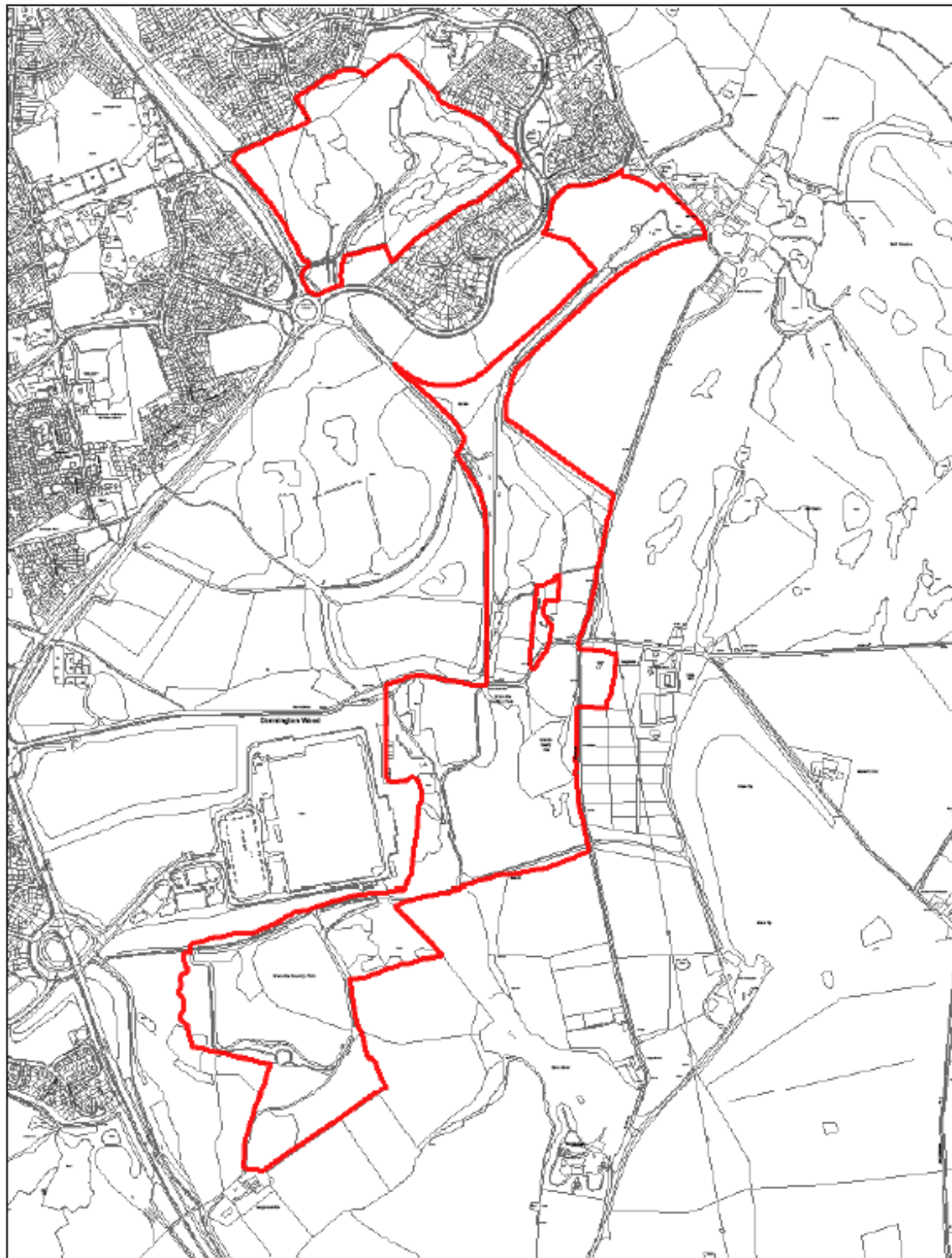
Department of the Environment
Tollgate House
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
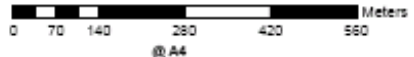
6 September 1993

Appendix B



Appendix C



 <p>Telford & Wrekin COUNCIL</p> <p>Environment & Regeneration Darby House PO Box 212 Telford TF3 4LB</p>	<p>Title:</p> <p>Granville Country Park Local Nature Reserve</p>	<p>Scale: 1:10,000</p>	<p>Dated: 03/11/09</p>	
				
		<p>Drawn By: Caroline Last</p>	<p><small>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction is illegal. Copyright and any lead to Proceedings or civil proceedings, Borough of Telford & Wrekin Council, Licence No: 10001894, 2nd Ed 2004. Aerial Photography by airphotoresources</small></p>	