

TELFORD & WREKIN COUNCIL

CABINET – 9th JUNE 2009

AMENDMENT AND EXTENSION OF LOCAL NATURE RESERVE – ‘GRANVILLE COUNTRY PARK’

REPORT OF HEAD OF PLANNING & ENVIRONMENT

1.0 PURPOSE

- 1.1 To seek Cabinet approval for the amendment and extension of the existing ‘Granville Country Park’, Local Nature Reserve.

2.0 RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1 Approve 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);
- 2.2 Approve the simultaneous re-declaration of the amended and extended “Granville Country Park Local Nature Reserve”;
- 2.3 Delegate authority 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”.

3.0 SUMMARY

- 3.1 On 12th February 2007 Cabinet agreed to the declaration of the extended Granville Local Nature Reserve (The Reserve):
- 3.2 Following wider consultation a number of amendments to the boundary of the site have been identified and it is considered necessary to bring this report to Cabinet to seek approval to the proposed changes to the boundary and extension.

4.0 PREVIOUS MINUTES

- 4.1 Cabinet report 12th February 2007 entitled ‘Response Declaration of Local Nature Reserves’.

5.0 INFORMATION

- 5.1 The existing Reserve boundary was declared in 1989 and amended following the 12th February report to Cabinet. Since then improvements in mapping and the development of Geographical Information Systems (GIS) have highlighted inaccuracies in the existing boundary that now require amendment. This can be done alongside the extension to the Reserve.
- 5.2 The existing declaration includes parts of the Reserve that are not owned by Telford & Wrekin Council and do not meet 'Local Nature Reserve' ("LNR") status. The areas where amendments to the existing boundary are required are outlined in Appendices 1 and 2.
- 5.3 During the wider consultation, two additional minor extensions to the Reserve were proposed. It is recommended that these are included in the declaration process for completeness. Neither site is allocated for development, nor is any development planned or envisaged. The proposed extensions are outlined in Appendices 1 and 2.
- 5.4 The amended and extended area of the reserve now proposed will meet Local Nature Reserve criteria and will all be within Telford & Wrekin Council ownership (Appendix 3). The revised Reserve boundary has support from the Shropshire Wildlife Trust, local 'Friends of' groups and Natural England.

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. A formal declaration provides clarity that public access is encouraged.
- 6.2 An Equalities Impact Assessment will be carried out on the management plan in consultation with stakeholders.

7.0 ENVIRONMENTAL IMPACT

- 7.1 The impacts of this proposal are environmentally beneficial.

8.0 LEGAL COMMENT

- 8.1 Section 21 of the National Parks and Access to the Countryside Act 1949 ("The Act") gives local authorities the power to acquire, declare and manage 'Local Nature Reserves' ('LNR's). The responsibility for selecting, acquiring and managing these LNRs is the local authorities. English Nature must be consulted by local authorities in their use of the powers given by Section 21. The declaration of an LNR is acceptance of the commitment to manage the land as an LNR and to protect it from inappropriate uses or development.
- 8.2 The Act (S.15) defines an LNR as:-

"Land managed for the purpose:

*(a) of providing under suitable conditions and control special opportunities for the study of, and research into matters relating to the flora and fauna 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; or
(b) of preserving flora, fauna or geological or physiographical features of special interest in the area, or for both of these purposes.”*

- 8.3 Extensions to an existing LNR demand the same procedures as the original declaration, and so do any part of an LNR that requires de-declaration.
- 8.4 In this case, the Reserve requires the extension to and de-declaration of certain areas (see Appendices 1 & 2).
- 8.5 As the procedures called for are the same for the declaration of and the de-declaration of the area, the process will be more effective if, upon agreement from Natural England, the existing site is de-declared as an LNR and the proposed site is simultaneously re-declared as the new “Granville Country Park Nature Reserve”.
- 8.6 In order to complete the procedures required, it will be necessary for the insertion of a public notice advertising the formal de-declaration of the existing LNR and at the same time the insertion of a public notice advertising the declaration of the new LNR. This will ensure that the area is covered by LNR status at all times during the process.
- 8.7 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 new ones approved for the amended area of land. There are strict procedural formalities to complete so as not to undermine the enforceability of the byelaws and confirmation from DEFRA on what action is necessary is being sought.

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 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 Management Plan for the Reserve has already been developed and no significant additional costs will arise from the changes proposed in this report.

The Council already owns and manages the site and the cost is unlikely to change significantly due to the re-designation.

- 11.2 The re-designation also offers the potential to attract external funding for the management or improvement of the sites, or to promote community involvement.

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

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

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

Accessible natural greenspace in towns and cities: A review of appropriate size and distance criteria (English Nature Research Reports No. I53)

Report prepared by:

Caroline Last, Planning Ecologist (01952) 384221 and
Rachel Taylor, Environmental Projects Team Leader (01952) 384220
Email: caroline.last@telford.gov.uk

Appendix 2: The Areas of Intended Extensions & Amendments to the Reserve

1. Extension: Land South from Muxton Marsh and bounded to the west by Donnington Wood Way.

This area will be an addition to the Reserve which was identified during the consultation process. It is an area of woodland owned by Telford and Wrekin Council and part of the North East Telford Wildlife Site. It is proposed this area is included within the Reserve for completeness and to ensure preservation of the natural features of the Granville LNR.

2. Extension: Northern Section of Muxton Marsh adjacent to Brands Meadow.

This area of swamp and grassland is designated as part of Muxton Marsh Site of Special Scientific Interest (SSSI) but was not part of the extended Local Nature Reserve that was approved by Cabinet in February 2007. It is proposed that this area is included within the Reserve for completeness and to ensure preservation of the natural features found in this part of Granville.

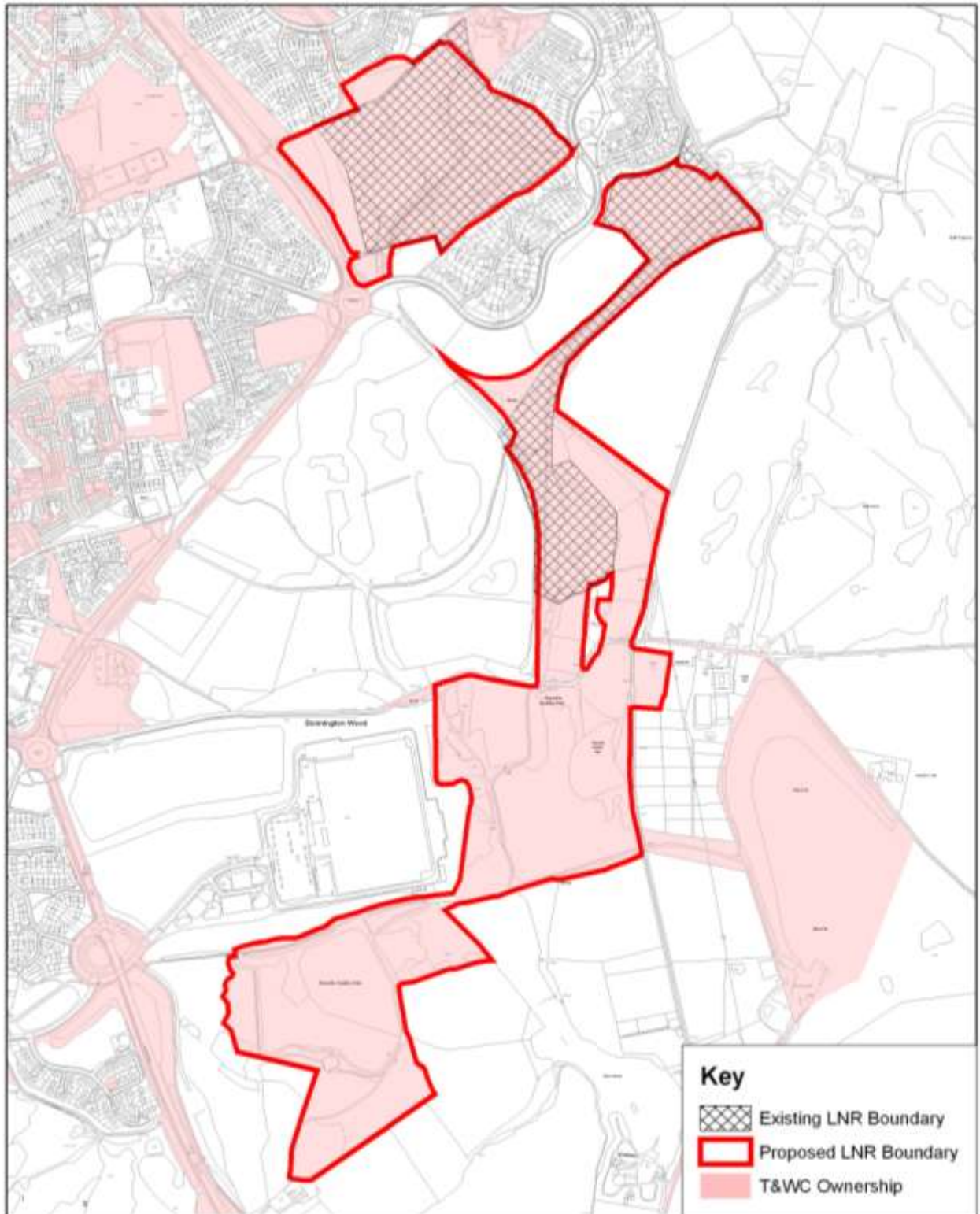
3. Amendment: Muxton Primary School.

It is thought that the inclusion of Muxton Primary School is a historical mapping inaccuracy in the original 1989 declaration. Although the school is owned by Telford and Wrekin Council there is no particular biodiversity interest or feature that justifies its designation as part of the Reserve. With this in mind, it is proposed that Muxton Primary School is removed from the Reserve and this area is de-declared.

4. Amendment: Yew Tree Lodge.

It is thought that the inclusion of 'Yew Tree Lodge' is a historical mapping inaccuracy in the original 1989 declaration. The lodge is privately owned and there is no particular biodiversity interest or feature that justifies designation as part of the Reserve. A local authority must have or must acquire a legal interest in the land to establish an LNR, or if the land is tenanted, the tenants must have due respect for the nature conservation interest of the land. As neither of the above is applicable it is proposed that 'Yew Tree Lodge' is removed from the Reserve and this area is de-declared.

Appendix 3: Map showing Proposed Local Nature Reserve and the extent of Telford and Wrekin Council Ownership



 <p>Telford & Wrekin COUNCIL</p>	<p>Title: Granville LNR Site Ownership</p>	<p>Scale: 1:10,000 Date: 10/03/2009 Drawn By: G. Jagpal</p>	
<p><small> Borough of Telford & Wrekin Duchy Street Leafield Telford TF7 4LE</small></p>	<p><small>Reproduced from the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may be prosecuted or civil proceedings brought by Telford & Wrekin Council No. 1388 (2004) Code: 2004</small></p>		