

TONBRIDGE & MALLING BOROUGH COUNCIL

Cabinet

18 June 2008

Report of the Acting Chief Solicitor

Part 1- Public

Matters for Decision - Non-Key Decision

1 LOCAL NATURE RESERVES

Summary

The purpose of this report is to provide information about a potential Local Nature Reserve at Ditton Court Quarry and seek authority to delegate powers of designation to Ditton Parish Council

1.1 Background

1.1.1 A nature reserve is defined in section 15 of the National Parks and Access to the Countryside Act 1949 (as amended) as:-

- (a) land managed solely for a conservation purpose, or
- (b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.

1.1.2 Guidelines for the declaration of Local Nature Reserves are contained in the English Nature publication "Local Nature Reserves in England."

1.1.3 Local Nature Reserves are 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 to build relationships between local authorities, national and local nature conservation organisations, and local people
- protect wildlife habitats and natural features
- offer a positive use for land which local authorities would prefer was left undeveloped

- make it possible to apply bye-laws which can help in managing and protecting the site

In addition, because it is a statutory designation, it is a very clear signal to a local community of the local authority's commitment to nature conservation. LNRs can help local authorities meet Local Agenda 21, Local Biodiversity Action Plan and Sustainable Development targets.

- 1.1.4 There are currently two potential sites for Local Nature Reserves (LNRs) in the Borough. Ditton Parish Council wish to designate part of Ditton Court Quarry and the Borough Council are investigating the possibility of declaring Haysden Country Park, Tonbridge.

1.2 Ditton Court Quarry

- 1.2.1 The Parish Council has for some time aspired to have Ditton Court Quarry declared as a LNR. The site is designated as a Site of Nature Conservation Interest in the adopted Tonbridge and Malling Borough Local Plan 1998 and, as such, already enjoys statutory protection for its ecological value. It is a former ragstone quarry which has developed through natural colonisation and some post-operation planting into a mosaic of habitat types. It has an area of 12.25 ha and is jointly owned by the Parish Council and Tarmac. The Parish Council is seeking to progress with the declaration of a LNR on the part of the site which it owns.
- 1.2.2 English Nature has inspected the site and confirms that they would be fully in favour of the declaration of the site as a LNR. They suggested that the next step would be to prepare a Management Plan detailing how the site is to be managed for nature conservation and recording details of the species present. This would then need to be sent to English Nature for comment and approval before the issuing of an official notice stating that consultation has been satisfactorily carried out. After this, the LNR can be declared by the Parish Council pursuant to s. 21 of the National Parks and Access to the Countryside Act 1949 (as amended) once the relevant authority is delegated to it by the Borough Council under Section 101 of the Local Government Act 1972.

1.3 Legal Implications

- 1.3.1 The Parish Council does not have power to designate Local Nature Reserves and this power must be delegated to it by the Borough Council on the application of the Parish Council.

1.4 Financial and Value for Money Considerations

- 1.4.1 None

1.5 Risk Assessment

1.5.1 As this will be a matter entirely devolved to the Parish Council the risk will fall to that Council

1.6 Recommendations

1.6.1 It is **recommended** that the Borough Council delegate to Ditton Parish Council the power to designate Ditton Court Quarry as a Local Nature Reserve pursuant to s. 21 of the National Parks and Access to the Countryside Act 1949 (as amended) and in accordance with Section 101 of the Local Government Act 1972.

Background papers:

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Haysden Country Park Management Plan 2004-2009

National Parks and Access to the Countryside Act
1949

Local Government Act 1972

“Local Nature Reserves in England” by English Nature
(1999)

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