

TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

13 October 2008

**Report of the Chief Leisure Officer and the
Cabinet Member for Leisure, Youth & Arts**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

1 HAYSDEN COUNTRY PARK – LOCAL NATURE RESERVE DESIGNATION

Summary

This report updates Members on the designation of Haysden Country Park as a Local Nature Reserve and seeks approval for delegated authority to publish the Public Notice.

1.1 Background

1.1.1 At the March 2007 meeting of this Board Members agreed that Local Nature Reserve Designation for Haysden Country Park be sought and progressed in accordance with the declaration process outlined in the report.

1.1.2 Following the adoption of the Haysden Country Park Management Plan and consultation with users of the Park, Natural England and the Council's Chief Solicitor, the Council is now in a position to proceed with the process of formal designation.

1.2 Local Nature Reserve Status

1.2.1 A Nature Reserve is defined in section 15 of the National Parks and Access to the Countryside Act 1949 (as amended) as:

- land managed solely for a conservation purpose, or
- 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.

1.2.2 Local Nature Reserves are 'local sites for people and wildlife' providing opportunities to get involved, to study, learn and have contact with nature. Local Nature Reserve status does not, however, exclude the enjoyment of the public through recreational pursuits such as fishing or sailing.

1.3 Declaration Process

1.3.1 Following liaison with the Council's Chief Solicitor I can confirm the following staged process to complete the formal designation of the Park:

- Issuing of a Public Notice advising on the Council's intention to designate Haysden Country Park as a Local Nature Reserve. Delegated authority is required to publish the Notice and it is proposed that Cabinet approval be sought in this regard to delegate authority to the Chief Leisure Officer.
- The formal Declaration be signed and sealed by the Council's Chief Solicitor.
- Confirmation of the declaration date be sent to Natural England.

1.4 Legal Implications

1.4.1 The powers for local authorities to declare Local Nature Reserves are given under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended). This gives 'principal Local Authorities' the legal powers, needed for a declaration. A legal process is set-down in the Act and the process is monitored by Natural England, with a 'public notice' requirement. In declaring a site as a Local Nature Reserve the authority accepts a commitment to managing the land as a nature reserve as outlined above at sub-section 1.2.1.

1.4.2 Consultation has been carried out with the Council's Chief Solicitor to ensure the appropriate legal processes are adhered to.

1.5 Financial and Value for Money Considerations

1.5.1 There will be costs (in the region of £400) related to the issuing of a Public Notice, which can be met from existing revenue budgets.

1.5.2 The declaration of the site as a Local Nature Reserve may give greater opportunities to secure grants from outside sources.

1.6 Risk Assessment

1.6.1 The declaration of the site gives greater long term protection for future generations, but brings with it the responsibility to continue to maintain the site.

1.7 Recommendations

1.7.1 It is **RECOMMENDED** to Cabinet to approve authorisation for the Chief Leisure Officer to publish a Public Notice declaring the Local Nature Reserve at Haysden Country Park following which the formal Declaration be made.

The Chief Leisure Officer confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

Robert Styles
Chief Leisure Officer

Martin Coffin
Cabinet Member for Leisure, Youth and Arts