

BATESWOOD LOCAL NATURE RESERVE

Submitted by: Scrutiny Officer – Louise Stevenson

Portfolio: Culture and Leisure/ Stronger and Active Neighbourhoods

Ward(s) affected: Halmer End/Audley and Bignall End

Purpose of the Report

To report to the Active and Cohesive Communities Overview and Scrutiny Committee the working group recommendations regarding requests from the community for additional bridle route provision and use of part of the main pool for fishing in Bateswood Local Nature Reserve and for the Committee to agree the recommendations that will be put forward for Cabinet to consider.

Recommendations

That the Active and Cohesive Communities Overview and Scrutiny Committee support the working group recommendations to be put forward for Cabinet to consider:

- (a) That the request for use of part of the main pool for fishing be supported in principle.**
- (b) That fishing be allowed in a designated area of the main pool, but be managed by an established, experienced and responsible fishing club.**
- (c) That the request for additional bridle route provision be rejected in principle due to health and safety concerns and the potential for conflict with other users of the nature reserve.**

Reasons

Well managed fishing on the main pool would help to curtail the problems that have been encountered with unauthorised fishing and stocking of the pool, camping and damaging wildlife and flora.

Concerns have been raised that the bridle route proposals are too close to the main pool and would result in a 'pinch point' where it would be difficult for horses to pass one another. The proposed new bridle route would increase the risk of conflicts arising between other users of the nature reserve.

1. Background

- 1.1 At the Cabinet meeting of 7 September 2011 it was resolved that consultation be carried out to ascertain public opinion on community requests for additional bridle route provision and use of part of the main pool for fishing in Bateswood Local Nature Reserve in Halmer End. It was also resolved that a further report on the outcome of the consultation be brought back to an appropriate Cabinet meeting for consideration and that the consultation take into account all users of the land and all the possible conflicts that could arise.
- 1.2 The Active and Cohesive Communities Overview and Scrutiny Committee considered a recommended consultation process and agreed that the proposed methods of consultation were acceptable at their meeting on 31 October 2011.

- 1.3 Ward members hand delivered 950 leaflets to local residents' homes which signposted residents to an online questionnaire and telephone/e-mail contact details to use to submit comments. The questionnaire was publicised via flyers in local shops and community buildings, an article in the Reporter and a press release. Letters were sent to relevant local and national organisations. During the consultation period, a local ward member arranged a public meeting held on 13 January 2012 at Halmer End Methodist Church. 102 people attended the meeting and the discussions that took place highlighted many conflicts and tensions between community user groups regarding the use of the site.
- 1.4 The closing date for responses was 27 January 2012 and the results of the questionnaires were then collated. The Council received 210 individual responses to the questionnaire and 10 letters from individual residents. Responses were received from 13 groups.
- 1.5 71.2% (148) of respondents to the questionnaire supported the principle of an additional bridle route in Bateswood LNR. Both route options were supported, option B was preferred by most. A petition was received on 25 January 2012 supporting the project and signed by 257 people. Support, subject to comments, which could be accommodated, was indicated by: The Environment Agency, Natural England, Staffordshire Police, Staffordshire County Council: Environment and Countryside, Staffordshire Wildlife Trusts, The North Staffordshire Bridleways Association and The Equestrian Forum. Opposition to the project was indicated by 28.8% (60) of respondents to the questionnaire and by a petition received on 26 January 2012 signed by 225 people. Halmer End Wildlife Trust opposed the project.
- 1.6 57.4% (116) of respondents supported the principle of allowing angling on part of the large pool. 55.1% (109) of respondents supported the proposed area (shown as the zigzag on the plan) being designated for fishing. Support, subject to comments which could be accommodated was indicated by: The Environment Agency, Natural England, Staffordshire Police and Staffordshire County Council: Environment & Countryside. Opposition to the project was indicated by 42.6% (86) of respondents to the questionnaire and by the petition signed by 225 people. Opposition was given by Halmer End Wildlife Trust and Staffordshire Wildlife Trusts. However, with regard to Staffordshire Wildlife Trust, although they did raise an objection to the proposals they stated that it would be possible to accommodate alternative uses.
- 1.7 Under the council's petition scheme, both petitions received enough signatures to trigger a Council debate. They were considered by full council on 22 February 2012. It was resolved that the petitions be referred to Cabinet for consideration in the context of the full consultation exercise which had recently been undertaken.
- 1.8 Following the completion of the consultation exercise the Active and Cohesive Communities Scrutiny Committee considered an officer report at their 5 March 2012 meeting and agreed that a working group should be established to carry out a formal scrutiny of this project.
- 1.9 The working group met on 30 March 2012 for an initial planning/scoping meeting and agreed that a site visit should take place with a subsequent meeting to consider the consultation results/comments etc. This would be followed by a meeting with interested parties, both for and against the proposals, to ascertain their views and question them as necessary.
- 1.10 The working group, accompanied by Officers, visited Bateswood Local Nature Reserve on 11 May 2012. The site visit allowed members to see the current arrangements at the nature reserve, including the existing bridle routes, the main pool that should not be used for fishing and the authorised fishing pool (Cloggers Pool).
- 1.11 The working group met on 23 May 2012 to review the consultation results and to discuss the site visit. It was agreed to invite Halmerend Wildlife Trust, The Equestrian Forum and

Kidsgrove and District Anglers to present their views to the working group on 27 June 2012. The working party felt it prudent to meet with Kidsgrove and District Anglers to ascertain how they manage their angling club at Bathpool Park; however their representative was unable to attend on the day. The Halmerend ward councillors were also invited to present their views and Councillor Becket met with the working party.

2. **Issues**

- 2.1 The working group felt it important to meet with interested parties to ascertain their views, whether for or against the proposals, and to consider these views before deciding upon any recommendations. The main points from the meetings are detailed below.

Fishing

- 2.2 The ward councillor's main points were as follows:

- Having regularly visited Bateswood Local Nature Reserve on a number of occasions at different times of the day and week, and with differing weather conditions, fishing is taking place on the main pool by expert anglers with full equipment and some anglers leave a mess.
- Fishing will not be stopped; neither the Council, nor the Police can patrol the site to prevent the activity.
- Anti-social behaviour normally occurs on Fridays and it is mainly young anglers who visit the reserve at night who leave a mess.
- Handing fishing over to a recognised fishing club with a contract to control the site would regularise the situation. Angler numbers would increase, but their presence at night would help to curtail anti social behaviour.
- Any fishing platforms should be to the south of the main pool.

- 2.3 Halmerend Wildlife Trust's main points were as follows:

- Newcastle Borough Council acquired the land for Bateswood Nature Reserve from the Coal Board nearly 30 years ago as recompense for the underground and opencast mining in Halmerend. At that time it was agreed that there would be no fishing on the main pool, but Clogger's Pool was redeveloped to provide free fishing for the youngsters in the village.
- The main pool was empty of fish when it was first made available to the public.
- The pool is not big enough to allow fishing without a detrimental affect on wildlife, and as such the reserve should be retained as a wildlife habitat.
- If fishing is allowed on the main pool it would discourage wildfowl and ducks from breeding, whose numbers have increased due to being fed by trust members.
- Some anglers come for a short time but others camp for days at the water's edge or on the island leaving vast amounts of litter, which includes broken bottles as well as discarded cans and weights.
- The RSPCA have recently been called to attend to a swan which had two feet of fishing line and a weight wrapped around its beak.
- Parties of anglers from as far away as Liverpool and Manchester have arrived at the main pool with tents and allegedly dumped catfish into the pool. Catfish are large American fish that will eat practically anything, they are also illegal.
- Borough Council Rangers, the Police and Halmerend Wildlife Trust have been unable to control the illicit fishing.
- The Trust feel the only option is to have the pool de-fished again.

Bridle Routes

2.4 The ward councillor's main points were as follows:

- The equestrian industry is very important to the local economy surrounding Bateswood.
- Livery and riding facilities bring income and employment to the area.
- Whilst many of the people supporting the bridle route proposals live outside of the area, the horses do not. Many local farms offer livery facilities and there is a well established riding school in the area. Horse boxes rarely come into the area and horse riders do not travel long distances by road on horseback.
- However, the ward councillor does not support the current bridle route proposals due to them being too close to the main pool and the potential for conflict with family groups in the vicinity of the main pool.
- Halmerend play area is the most popular entrance to the nature reserve and the proposed bridle routes would create a 'pinch point' with families there.
- Alternative routes could include using Red Hall Lane and the railway tracks. There are liverys along there and there would be no interference with wildlife or pedestrians.

2.5 Halmerend Wildlife Trust's main points were:

- The proposed new bridle route is completely unnecessary and the extension would only provide an extra 20 minutes of riding. The existing bridleways at Apedale and Silverdale Country Parks are sufficient and only a short distance away.
- The current proposals are only suitable for one horse in single file. There is concern about what would happen if two horses had to pass.
- The Trust obtained grants to purchase seats so people can sit and enjoy the surroundings. They feel that these would need to be removed if the proposed bridle route is allowed.
- There are concerns that access for disabled visitors would be compromised; the Trust feels that disabled visitors would not be able to use the proposed path to the lake due to the steep descent.
- The proposed wide path would prevent plants from spreading.
- The proposed bridle route cuts through trees where there are fox and badger sets and trees would need to be removed.
- There are no proposals that Halmerend Wildlife Trust would consider acceptable. They do not believe any more activities at the nature reserve are necessary.

2.5 The Equestrian Forum's main points were:

- The Equestrian Forum supports the proposed bridleway. One mile on a bridleway is one mile not on a road.
- There are many livery yards in Audley and the local area. All of these livery yards employ local people and apprentices from places such as Reaseheath College. They provide opportunities for youngsters, local vets, feed and seed producers etc.
- The equestrian industry is flourishing, with two new businesses recently opening in the local area: a saddlery and an equine laundry service.
- There is a desperate need for more off road riding facilities and Bateswood is the closest green space for the liverys in the local area. Roads are very busy and there was an accident recently in Bignall End, where a horse had to be put down due to getting spooked in traffic.
- More horses in the nature reserve would not disturb nature. You can get closer to nature when riding as other animals are not afraid of horses.

- Shared paths do work in other areas; riders always pass in single file and at walking pace out of basic courtesy. People are mostly happy to see horses, especially if they are with children.
- The representative was only aware of one incident with a horse since Bateswood opened with the bridle routes as they are now. This occurred when the site first opened, and felt that one incident in 15 years was quite reassuring. The representative had not encountered any problems whilst out riding and it was usual to stop and thank dog walkers for letting them pass on their horses.
- The Equestrian Forum is aware that funding is being released for bridleways through the Joint Local Access Forum and their pathway initiative. There are people who are very willing to help with funding for new bridleways.

3. **Proposal**

Fishing

- 3.1 Upon consideration of the consultation, site visit and meetings with interested parties, the working group recommend that the request for use of part of the main pool for fishing should be supported in principle. Fishing should be allowed in a designated area of the main pool, but managed by an established, responsible fishing club of experienced anglers.
- 3.2 If fishing is permitted on the main pool in a controlled manner, and monitored/enforced by a responsible fishing club, it could help to reduce and manage the unauthorised fishing that already takes place on the pool. It is apparent from the working group's investigations that there are significant problems with illicit fishing on the pool. The main pool is isolated and it is difficult to monitor activity on it, unlike on more public pools such as Madeley Pool. The Police have been called on previous occasions with regard to fishing on the main pool. Both the ward councillor and Halmerend Wildlife Trust stated the lack of patrol of Bateswood Nature Reserve to prevent the illicit activity.
- 3.3 Halmerend Wildlife Trust referred to large parties of anglers from Liverpool and Manchester who have camped at the main pool and allegedly dumped catfish. It was a reputable fishing club that reported this problem to the Police, who visited the nature reserve that same night to address the problem.
- 3.4 The working group recommend an established fishing club be invited to share how they manage their club. The working group also recommend liaising with appropriate wildlife bodies to ensure that if fishing is permitted, it is implemented in the correct manner so as to not be detrimental to wildlife. The main pool was originally intended for nature, although this original intention has been lost with the stocking of the pool with fish. With this in mind, it is essential that if fishing is permitted the disruption to wildlife/nature at the reserve should be kept to a minimum. For example, if there is a possibility that nesting birds could be disturbed by fishing, then fishing should only be allowed at certain times of the year. The Council has recently adopted Ethical Fishing Guidelines would be included in any fishing authorisation.
- 3.5 Any agreement with a fishing club would have to be considered in detail, but the Committee recommend that it should be conditioned that the pool is for community use. Under 16s could be allowed to fish on the pool free of charge if they have a rod licence, which the club could manage. One option that could be investigated is for local shops to work with a club to sell tickets for the pool.
- 3.6 There would need to be a trial period for a club to manage fishing on the pool, with a period for review.

Bridle Routes

- 3.7 Upon consideration of the consultation, site visit and meetings with interested parties, the working group recommend that the request for additional bridle route provision should be rejected in principle due to health and safety concerns and the potential for conflict with other users of the nature reserve. There is also a lack of funding available for additional bridle routes. However, alternative proposals would be considered.
- 3.8 The proposed extension to the bridle way runs too close to the main pool and there is concern that the current proposal would bring horses into too close proximity with walkers, dog walkers and families, thereby creating conflict. Furthermore, there would be a particular pinch point on the west side of the pool, where the steep bank is, which is of great concern.
- 3.9 The idea of more bridleways is not being discounted completely, alternative routes would be considered. However, it is important to be careful about the position of any new bridleway or extension on the reserve. The Council should look for co-operation and to work together, but the situation does need to be monitored, there cannot be a new bridleway without conditions.
- 3.10 The horse riding community are concerned about riding on public roads and would like circular routes which can be achieved through the extension of existing bridleways. The issue of increasing bridleways goes beyond the request at Bateswood. There needs to be a dialogue with private landowners to obtain access over their lands for additional bridleways. This is a wider issue for Staffordshire County Council and their Rights of Way Section.
- 3.11 Following the meetings with interested parties, the Chair of the Equestrian Forum has requested that an alternative proposal be discussed for the Bateswood Local Nature Reserve. In brief, this would be a track around the outer perimeter, to connect the linear bridleway with Red Hall Lane. The Equestrian Forum have indicated that DEFRA have recently launched a pot of money under the 'Paths4Communities' scheme. It is the understanding of the Equestrian Forum Chair that DEFRA are looking to the creation of new 'highest right' rights of way, which if this is the case, the alternative proposal for Bateswood may meet the criteria. The Equestrian Forum Chair has indicated that they would be looking for partnership approaches.
- 3.12 The Equestrian Forum have been informed that the consultation and scrutiny process has considered the proposed circular bridle route options which were put forward by the equestrian community, and has not considered alternative routes such as the new one proposed by the Equestrian Forum. It is too late in the current consultation and scrutiny process to introduce new options that have not been consulted upon with the wider community. Therefore, it has been felt inappropriate to enter in to discussions with the Equestrian Forum with regards to alternative proposals.
- 3.13 The greatest potential for improving off road links and routes for horse riding lies with negotiation and dialogue with private land owners. Staffordshire County Council hold the responsibility for the public rights of way network, and the Equestrian Forum have been informed by officers that the new proposal would be best discussed with the County Rights of Way officer in the first instance.

4. Reasons for Preferred Solution

- 4.1 Well managed fishing on the main pool would help to curtail the problems that have been encountered with unauthorised fishing and stocking of the pool, camping and damaging wildlife and flora.

- 4.2 The bridle route proposals are too close to the main pool and would result in a 'pinch point' where it would be difficult for horses to pass one another. The proposed new bridle route would increase the risk of conflicts arising between other users of the nature reserve.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 5.1 Creating a cleaner, safer and sustainable Borough
5.2 Creating a healthy and active community

6. **Legal and Statutory Implications**

- 6.1 The council is empowered to provide recreational facilities by a number of statutes relating to open space, public health, miscellaneous provisions and well-being. The council is required by statute to consider the effect of any decision on crime and disorder.
- 6.2 Bateswood Local Nature Reserve has been declared as a Local Nature Reserve under the National Parks and Access to the Countryside Act 1949.

7. **Equality Impact Assessment**

- 7.1 It is considered that a positive differential impact will accrue from providing additional recreational opportunities at the site.

8. **Financial and Resource Implications**

- 8.1 It is envisaged that should a club assume responsibility for managing fishing on the main pool, there would be no associated costs for the Council. Fishing clubs would have access to funding that the Council would not. The club would be responsible for restocking the pool as necessary and maintaining the fishing pegs. However, the club would only be responsible for maintaining the designated section of the pool they would be managing, and would not be responsible for the rest of the pool.

9. **Major Risks**

- 9.1 The major risks associated with this report are:

- Conflict and tensions between community user groups regarding the use of the site.
- Pressure on the Council from community groups with differing views regarding the use of the site.
- Potential loss of support from community groups involved in the management of the site.
- Adverse media reaction.
- Reputational damage.

10. **Key Decision Information**

The report impacts directly on two wards and has been included in the Forward Plan.

11. **Earlier Cabinet/Committee Resolutions**

Full Council 22 February 2012
Cabinet 7 September 2011. Resolution No 297/12
Cabinet 18 December 2002 Resolution No 759/03
Cabinet 13 September 2006 Resolution No. 366/07