

DRAFT

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date: SEPTEMBER 2011

1. **HEADING** Bateswood Local Nature Reserve – Management Plan
- Submitted by:** Head of Operations – Roger Tait
- Portfolio:** Culture and Active Communities
- Ward(s) affected:** Halmerend, Audley and Bignall End

Purpose of the Report

- To report a petition presented by a ward member on behalf of local residents requesting the Council to allow angling on the pool at Bateswood Local Nature Reserve
- To consider the in principle inclusion of additional site-based recreational activities within the review and update of the Management Plan for Bateswood Local Nature Reserve

Recommendations

- That the petition be received
- That the principle of allowing angling and additional bridle route provision in Bateswood Local Nature Reserve be approved subject to consultation with appropriate stakeholders and the drawing up of appropriate agreements to manage angling on the pool and equestrian access to the site
- That the draft “Ethical Fishing Guidelines” which have been proposed in relation to the pool at Bateswood and other angling facilities in the Council’s control are approved for consultation with appropriate stakeholders

Reasons

- To ensure that Bateswood Local Nature Reserve is managed to offer people special opportunities to study , enjoy and learn about nature.
- To ensure that other identified community recreational needs in the locality are met and managed to coexist with the educational and nature conservation uses of the site

1. **Background**

- 1.1 The Council declared the 54 hectares of public open space at Bateswood in Halmerend as a Local Nature Reserve on 17th December 2002 under the National Parks and Access to the Countryside Act 1949.
- 1.2 A 5 year management plan for the site was prepared as part of the declaration process which was intended to guide the management of the site from 2002 to 2007 to offer people opportunities to study or learn about nature, or simply enjoy it.

- 1.3 Two local community groups also volunteered to assist the Council in managing the site for this purpose and have been involved with stewarding the site both prior to its declaration and up to the present day.
- 1.4 The land is a large (54 hectares) reclaimed, former open cast site adjacent to the rural settlement of Halmerend, which provides informal recreational opportunities for local residents as well as the educational and nature conservation value related to its declaration as a Local Nature Reserve. It is leased to the Council on a long term lease from the Coal Industry Support and Welfare Organisation (CISWO). It generally comprises a large pool, areas of open grassland, mixed age woodland and a network of footpaths including a designated bridleway which crosses the site from north to south. A plan of the site will be on display at your meeting.
- 1.5 The Council also leases an adjacent site from CISWO, known locally as Clogger's Pool, and improved this site in the late 1990's to provide a fishing pool for local residents.
At this time the Council did not wish to allow fishing on the large pool in Bateswood as it was feared that angling may conflict with the use of the pool for breeding waterfowl and other wildlife purposes. Therefore, the alternative angling facility was provided nearby.
- 1.6 Bateswood received investment in 2007 with grant funding from the Heritage Lottery Fund to improve access through car parking provision and the creation of a circular path network and to provide interpretation facilities to inform and educate people on the nature conservation value of the site. At the time Cabinet approved the scheme, it was also resolved to investigate the provision of equestrian facilities in the Borough. It was subsequently resolved to undertake a feasibility study for additional bridle route provision in Bateswood.
- 1.7 The site is popular and well used by local people and visitors from further afield, with a range of recreational activities enjoyed by various sections of the community. The site is not staffed by the Council although it is patrolled on a regular basis by the Park Ranger Service and maintained on a mainly reactive basis by Streetscene. It is informally monitored by the local community volunteer groups who are active on the site, with issues being reported to the Operations Service. There are currently no byelaws which govern the site.

2. **Issues**

- 2.1 The management plan for the site initially covered the period from 2002 up to 2007 and the management principles contained in the plan have been continuing since 2007 to the present day.
However, a review and update of the management plan has now been carried out to reflect habitat development and any proposed additional recreational uses of the site. Your officers have been working with Newcastle Countryside Project, who prepared the original plan, to re-survey the site and evaluate its biodiversity value to determine proposed changes to the plan. The survey also considered whether existing and potential additional recreational uses would have an impact on the biodiversity value of the site. The findings have been incorporated into a draft review and update of the Management Plan which was completed in April 2011. A copy is appended to this report at Appendix A. Staffordshire Wildlife Trust has also been consulted on the review of the plan and has provided advice and guidance to your officers and to the local community volunteer groups who are involved in managing the site.

- 2.2 In terms of other recreational uses, Bateswood Local Nature Reserve is generally used responsibly by visitors and is not perceived to suffer an unusually high incidence of misuse, crime or anti-social behaviour, although these problems do exist to varying frequencies and severities.
Due to its large size, open access and isolated rural location, it does experience issues with vandalism, unauthorised vehicle access, motorcycle access and unauthorised camping and campfires. These issues are currently dealt with where possible through the Council's standard management procedures and through joint working with other partners.
- 2.3 In general, the initial conclusions of the biodiversity survey suggest that the biodiversity value of the site overall is no less than it was when the original management plan was prepared. The site has developed and changed slightly with a decrease in the numbers of some species and an increase in others, due to changing habitats, for example the natural succession to woodland of some of the grassland habitats.
The review and update of the management plan considers and addresses these issues.
- 2.4 The current recreational use of the site includes activities such as small scale illicit angling, horse riding, both on and off the designated bridle route, walking and dog walking.
The review of the Management Plan suggests that although angling can cause various problems for nature conservation, some limited use of the pool for angling could be considered subject to a robust agreement with anglers to control issues such as access, fish stocking and marginal habitat management.
Likewise, the provision of additional equestrian access to the site which is designated and directed away from sensitive areas could be considered subject to riders adhering to the routes provided.
Dog walking where dogs are under control and on the designated paths does not appear to cause any adverse impact on biodiversity value. However, there is a risk that dogs off the lead can have a negative impact on ground nesting birds. It would be difficult to formally manage equestrian access and dog walking as the site is not staffed and these activities could not be controlled by a permit system or lease agreement as could be the case with angling. Therefore, reliance would be placed on riders and dog walkers using the site responsibly and in accordance with any areas which were designated and notices which were erected.
- 2.5 The Council has received requests from angling and equestrian groups requesting the use of Bateswood for these recreational activities.
A petition was presented by a local ward member on 31 October 2008, signed by 186 petitioners from the locality requesting that the Council consider the use of the pool at Bateswood for fishing.
A request was also received from a member of the Council on behalf of equestrian groups seeking the creation of an additional circular bridle route around the site.
A copy of the petition, in relation to angling, will be on display at your meeting.
- 2.6 A feasibility study in relation to the potential to create an additional circular bridleway has been undertaken in conjunction with the member of the Council who made the request.
It appears that it would be possible to establish a circular route around the site, separated from the more sensitive nature conservation areas, at a cost of between £55,000 - £83,000, dependent on which route is progressed.
Progression of this initiative would be subject to sourcing funding to implement the scheme and then, if funding is secured, consultation with appropriate stakeholders.

There is no source of funding currently identified which is readily available or accessible to the Council and no current capacity within work programmes to progress this project at present, therefore it is not considered expedient to initiate a public consultation exercise on bridleway proposals until and unless it becomes likely that funds could be found. With regard to the request to allow angling on the site, it appears that it would be possible to accommodate angling on a controlled section of the pool to minimise the risk of potential conflict with the use of the remainder of the pool for nature conservation purposes. If such a scheme was to proceed, it would be necessary to provide accessible fishing platforms, linked to the previously constructed accessible footpath network, in order to accommodate the needs of disabled anglers. It is estimated that the cost of installing the platforms would be between £5,000 to £10,000. There is no source of funding currently identified which is readily available or accessible to the Council. However, as it is a relatively modest sum and if it was resolved to progress the angling element of the scheme, assistance could be made available to an appropriate angling club to seek grant assistance for the platforms. If angling is to be progressed for Bateswood, it is considered appropriate to develop ethical fishing guidelines to govern the activity at this site, and other angling facilities controlled by the Borough Council, to ensure that animal welfare issues are addressed in a manner consistent with available best practice. Your officers have researched guidance available from the relevant agencies including the Environment Agency and drafted proposed Ethical Fishing Guidelines for Borough Council controlled angling facilities. A copy of the draft guidelines is attached to this report. It is proposed that the draft is approved for consultation with relevant stakeholders, including local angling clubs and that a report on the outcome of the consultation is prepared for consideration at a future meeting of the Cabinet.

- 2.7 The Department for Environment, Food and Rural Affairs (DEFRA) has produced a model set of byelaws which could be applied to Local Nature Reserves if deemed appropriate by the landowner and site manager. A local community representative has requested that byelaws be made for Bateswood Local Nature Reserve. However, as the site is not staffed by the Borough Council, effective monitoring and enforcement of byelaws would not be possible.
- In addition to this, other legislation exists which gives the Police, the Council and other partners, powers to tackle criminal behaviour on public land. This legislation includes the Public Order Act of 1986 which criminalises threatening or intimidating words (including writing and signs) and behaviour, Anti Social Behaviour Orders under the Crime and Disorder Act of 1998, anti litter laws under the Environmental Protection Act 1990 and offences under the Criminal Damage Act 1971 including Arson. The Police also have powers in relation to the confiscation of alcohol under the confiscation of alcohol (young persons) Act 1997. There are also civil powers of land ownership. The police have been consulted regarding the incidence and severity of crime and anti-social behaviour on Bateswood Local Nature Reserve and their preferred methodology for tackling issues. The police confirm that they can use powers in relation to alcohol seizure and Section 27 Notices and that they are not aware of current problems at the site. They are carrying out joint patrols with the Council's Senior Rangers and are of the view that this has helped to reduce recent issues with anti-social behaviour by young people.
- There is a presence of local volunteers on the site who liaise with Council officers regarding misuse. If this presence was augmented by other community groups such as an angling club, it may assist in deterring misuse and assist in the monitoring and reporting role.
- It is therefore not proposed to consider making byelaws for the site at this stage.

- 2.8 Natural England, in its publication “Local Nature Reserves in England: A guide to their selection and declaration” refers to Schedule 11 (12) of the Natural Environment and Rural Communities Act 2006 which describes a “nature reserve” 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.
- Therefore it is feasible for the site to accommodate both conservation and recreation uses if managed sensitively.
- A local community group who assist with the management of the site has indicated to the Council that they wish to apply to Natural England to declare the site as a National Nature Reserve. However the guidance from Natural England states that in order to potentially achieve this status, the site should be a Site of Special Scientific Interest (SSSI) or be considered nationally important to nature conservation. Neither of these criteria currently apply to Bateswood Local Nature Reserve.
- 2.9 In conclusion, it appears that there is the potential to develop additional recreational use of the site at Bateswood Local Nature Reserve without causing significant adverse impact on its biodiversity value.
- The development of additional recreational activities will need to be carefully designed and co-ordinated with the review of the management plan to ensure the potential for conflict between uses is minimised.
- Consultation with stakeholders will be key to this process, as will a robust agreement with an angling club to control the use of the pool and responsible use of the site by riders and dog walkers.

3. **Options Considered**

3.1 **Maintain Status Quo**

This will not enable the Local Nature Reserve to be managed in response to its changing habitats and species and will not respond to community requests to consider additional recreational use of the site.

3.2 **Do Not Permit Additional Recreational Use of the Site**

This will not respond to community requests to consider additional recreational use of the site, some of which are taking place in an uncontrolled manner presently and causing tensions between user groups.

3.3 **Regularise and Control Additional Recreational Use of the Site**

This will allow the site to continue to be managed to offer people special opportunities to study or learn about nature, or simply enjoy it and ensure that other identified community recreational needs are met and managed to co-exist with its educational and nature conservation uses.

4. **Proposal**

4.1 That the reviewed and updated management plan be approved.

4.2 That the principle of allowing angling and additional bridle route provision in Bateswood Local Nature Reserve be approved, subject to the sourcing of funding, consultation with appropriate stakeholders and the drawing up of an appropriate agreement to manage angling on the site.

- 4.3 That the draft “Ethical Fishing Guidelines” which have been proposed in relation to the pool at Bateswood and other angling facilities in the Council’s control are approved for consultation with appropriate stakeholders

5. **Reasons for Preferred Solution**

- 5.1 To ensure that Bateswood Local Nature Reserve is managed for its designated purpose, which is to offer people special opportunities to study or learn about nature or simply to enjoy it.
- 5.2 To ensure that other identified community recreational needs in the locality are met and managed to co-exist with the educational and nature conservation uses of the site.

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

- 6.1 Creating a cleaner, safer and sustainable Borough.
- 6.2 Creating a healthy and active community.

7. **Legal and Statutory Implications**

- 7.1 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.
- 7.2 Bateswood Local Nature Reserve has been declared as a Local Nature Reserve under the National Parks and Access to the Countryside Act 1949.

8. **Equality Impact Assessment**

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

9. **Financial and Resource Implications**

- 9.1 There are no direct capital or revenue implications arising from this report.
- 9.2 There would be a capital cost relating to the creation of additional bridleway access to the site which is currently estimated at between £55,000 - £83,000, dependent on which option is progressed. There would also be an estimated capital cost of between £5,000 - £10,000 to provide accessible fishing platforms to accommodate the needs of disabled anglers and signs if angling is to take place on the pool. This is subject to the sourcing of funding to meet the costs and then consultation with stakeholders.
A detailed report on financial implications relating to bridleway access and angling will be brought to a future meeting of the Cabinet if the scheme progresses.
- 9.3 There will be a requirement for staff resources to carry out consultation with stakeholders, to draft appropriate agreements and to liaise with community groups over the management of the site.
It is proposed that this resource requirement is absorbed into the work programmes of the Landscape Development Section and Community Team in the Operations Service.

Support from other service areas such as Legal, Property, Communications and Performance and Transformation will also be required.

10. **Major Risks**

10.1 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
- Pressure on staff resources in managing the consultation process

11. **Key Decision Information**

11.1 The report will not result in significant savings or expenditure for the Council. It impacts directly on two wards and has been included in the Formal Plan.

12. **Earlier Cabinet/Committee Resolutions**

12.1	Cabinet	18 th December 2002	Resolution No. 759
	Cabinet		Resolution No. 118
	Cabinet	13 th September 2006	Resolution No. 366

13. **List of Appendices**

13.1 Appendix 1 – Draft Ethical Fishing Guidelines

14. **Management Sign-Off**

Each of the designated boxes need to be signed off and dated before going to Executive Director/Corporate Service Manager for sign off.

	Signed	Dated
Financial Implications Discussed and Agreed		
Risk Implications Discussed and Agreed		
Legal Implications Discussed and Agreed		

H.R. Implications Discussed and Agreed		
ICT Implications Discussed and Agreed		
Report Agreed by: Executive Director/ Head of Service		