

PROPOSED DELEGATION OF POWER TO MILFORD-ON-SEA PARISH COUNCIL TO DESIGNATE LOCAL NATURE RESERVE

1. INTRODUCTION

- 1.1 Milford-on-Sea Parish Council wish to establish three areas of land in its ownership as a local nature reserve. These areas are the Pleasure Grounds, Shorefield Copse (Shavells Copse) and Studland Common, all of which are shown on the plan attached as Appendix 1 to this report. These areas are currently managed under the Forestry Commission Woodland Grant Scheme.
- 1.2 A copy of the Parish Council's letter in support of their proposal is attached at Appendix 2.
- 1.3 The Parish Council does not have the legal powers to establish a local nature reserve, whereas the District Council does have such powers, under S.21 of the National Parks and Access to the Countryside Act 1949 (as amended).

2. THE WAY FORWARD

- 2.1 As can be seen from the Parish Council's letter (Appendix 2), the Parish Council considers that the formal designation of these areas as a local nature reserve will bring additional benefits.
- 2.2 As the Parish Council does not have the power to designate these areas as a local nature reserve, it has requested that the District Council delegates power to the Parish Council to enable it to do so.
- 2.3 The position would appear to be straightforward and if the Council agrees to designate power to the Parish Council for this purpose, then the Parish Council would by resolution designate the area as a local nature reserve without any further involvement of the District.
- 2.4 As with any delegation of powers to another local authority, the Parish Council would need to indemnify the District Council appropriately, when exercising its powers. As a precautionary measure, the following undertaking should be provided to the District Council before granting powers to the Parish Council to designate the said areas of land as local nature reserves under S.21 of the National Parks and Access to the Countryside Act 1949 (as amended) and S101 of the Local Government Act 1972:-

"Milford-on-Sea Parish Council hereby indemnifies the District Council in respect of all actions, claims, demands, expenses and proceedings arising out of or in connection with or incidental to the designation as a nature reserve of the areas of land shown edged red (on the plan attached herewith)."

3. ENVIRONMENTAL IMPLICATIONS

- 3.1 There are no adverse environmental implications arising from the proposed delegation to the Parish Council. The Parish Council reports that the proposed local nature reserve is currently being managed to enhance

biodiversity for both habitat and species and, where appropriate, the Parish Council is using the Hampshire Biodiversity Action Plans to help bring its objectives to fruition. The Parish Council is in the sixth year of a ten-year Forestry Commission programme of management for the woodlands, and in the first year of a five-year programme to help manage Studland Common for scrub and its lowland grassland habitat. Neglected footpaths are being managed to enhance public access and the whole of the Pleasure Grounds, Shorefield Copse and Studland Common are open to the public. The Parish Council enjoys the continuing benefits of a number of voluntary groups who help to look after the grounds.

4. CRIME AND DISORDER IMPLICATIONS

4.1 None arising directly from the delegation arrangements. The Parish Council reports that it has a high visible presence of operatives, wildlife and river warden volunteers, together with a number of watchful dog and casual walkers who monitor the grounds daily. Other than occasional rubbish being tipped or left on site and the occasional youth disturbance, the level of crime and disorder is negligible and the proposed designation will not affect this position.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications for the Council arising from this report.

6. PORTFOLIO HOLDER COMMENTS

6.1 The Portfolio Holder supports the recommendation.

7. RECOMMENDATION

7.1 That, upon receipt by the Head of Legal & Democratic Services of an indemnity as per paragraph 2.4 of this report, the Parish Council be delegated power under Section 101 of the Local Government Act 1972 to designate the areas shown shaded on the plan at Appendix 1 as local nature reserves pursuant to S.21 of the National Parks and Access to the Countryside Act 1949 (as amended).

For Further Information:

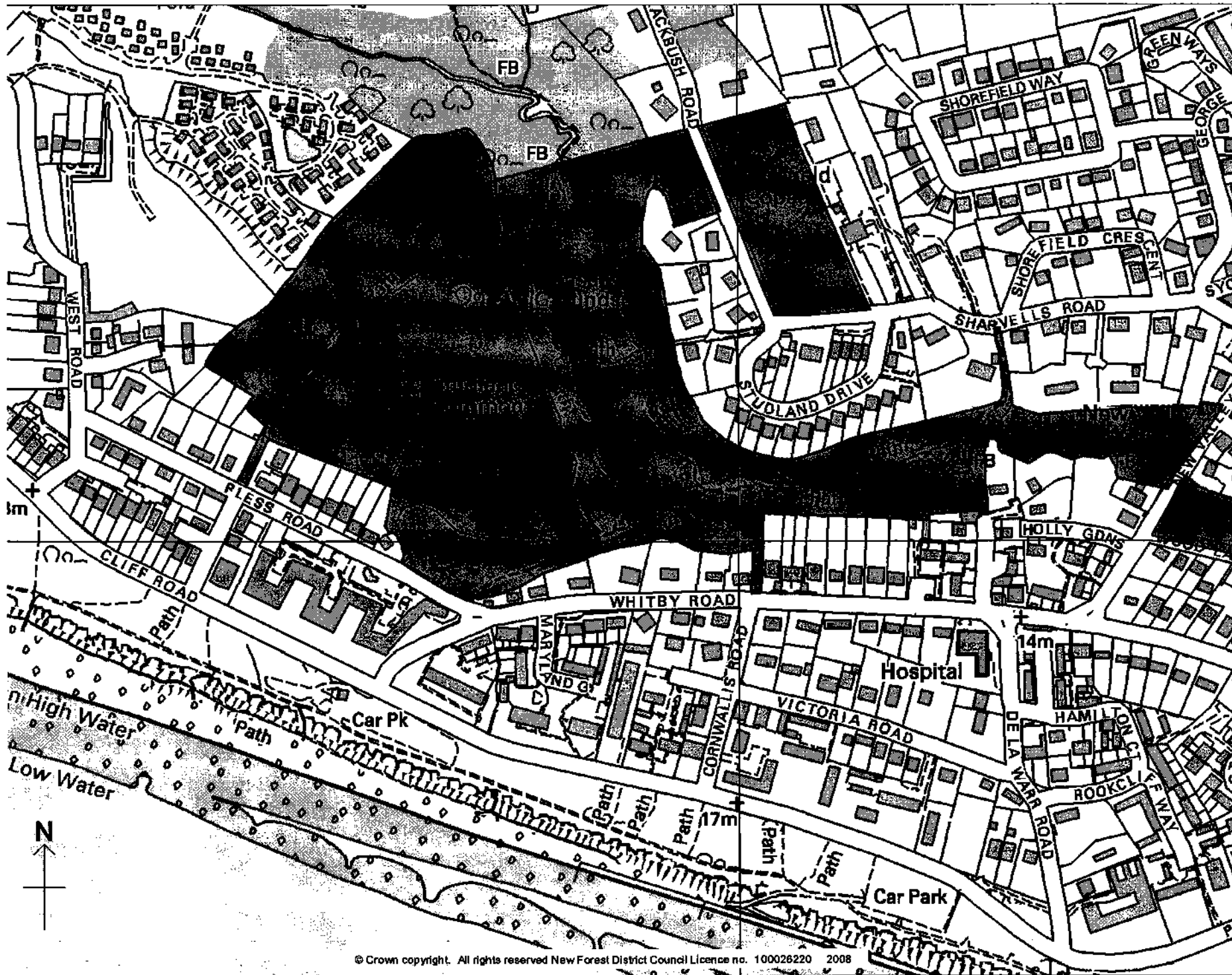
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Grainne O'Rourke
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Tel: (023) 8028 5285
Email: grainne.orourke@nfdc.gov.uk

Background Papers:

Letter from Milford-on-Sea Parish Council dated 9th February 2008

Maps of areas to be designated



New Forest
DISTRICT COUNCIL

Community Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Tel: (023) 80285000

Milford on Sea

Proposed
Local Nature Reserve
Designation



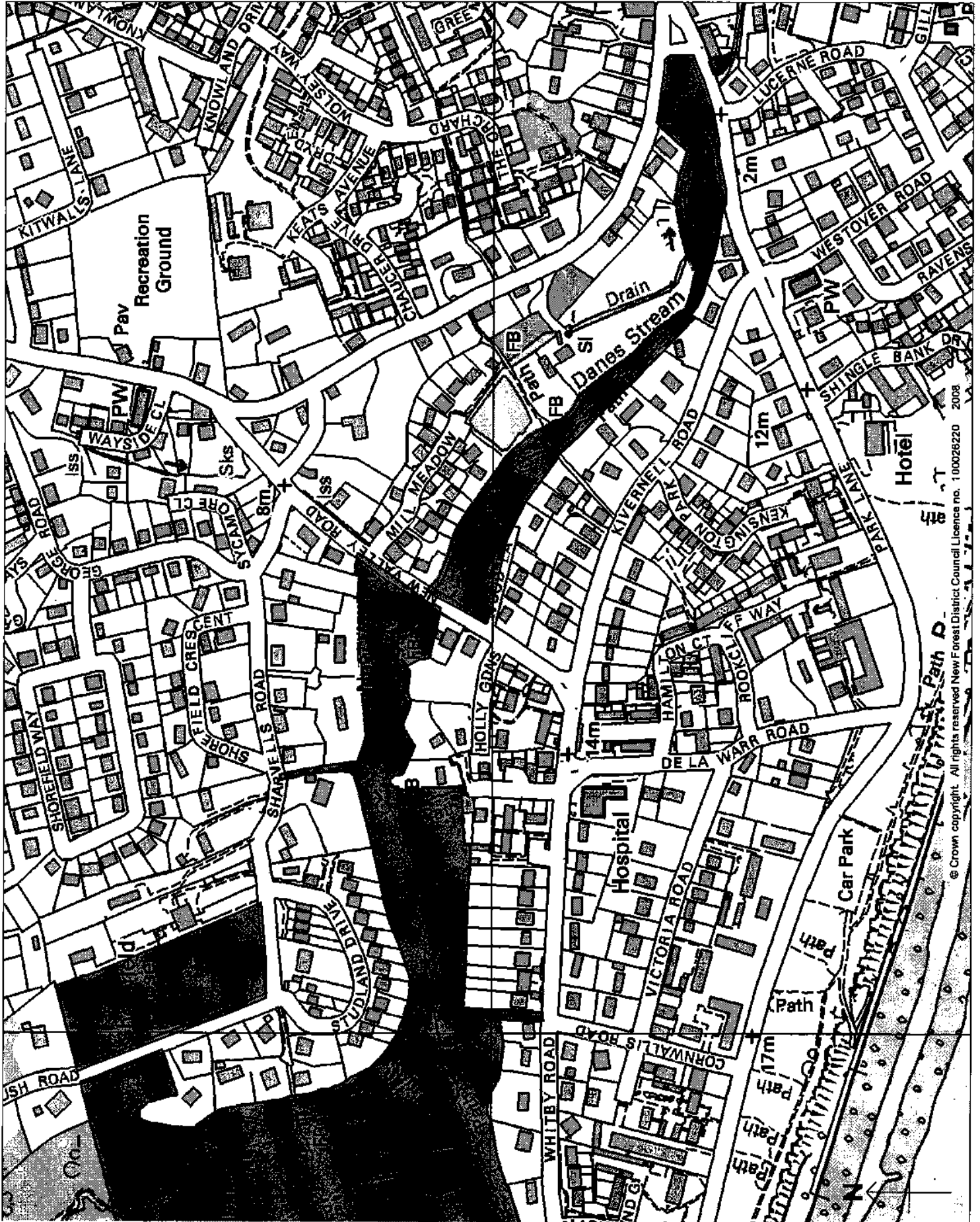
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Milford on Sea
Proposed
Local Nature Reserve
Designation

Appendix I
Cont'd



MILFORD-ON-SEA PARISH COUNCIL

Milford Village Hall ~ 2 Park Road ~ Milford-on-Sea ~ Hampshire ~ SO41 0QU



Parish Clerk: Keith Metcalf

Tel/Fax: 01590 644410

Asst. Parish Clerk: Lynda Hynd

E-mail: milfordpc@btconnect.com

LEISURE SERVICES

14 FEB 2008

RECEIVED

Mr M Devine
Asst. Director of Leisure Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

9th February 2008

Dear Martin,

DESIGNATION OF THE PLEASURE GROUNDS, SHOREFIELD COPSE (SHARVELLS COPSE) AND STUDLAND COMMON AS A LOCAL NATURE RESERVE

Milford-on-Sea Parish Council, through its Finance & General Purpose Committee meeting, held on Monday 3rd December 2007, resolved that the Pleasure Grounds, Shorefield Copse (Sharvels Copse) and Studland Common, within the parish and owned by the Parish Council on behalf of its community as public open space, should receive designation as a Local Nature Reserve at the earliest opportunity. The Parish Council also invited Anthony Locke, Chairman of the Milford-on-Sea Wildlife Recording Group to be the administrative lead in helping to achieve this. The WRG is, as its name suggests, concerned with wildlife recording locally. The Group has also become part of a partnership with the Parish Council, Milford Environment Group (MEG) and other local conservation bodies and is managing and improving conditions for wildlife locally, including increasing biodiversity. The Group is a properly constituted body.

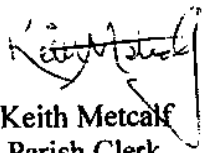
Subsequent to the above discussion, Tony Locke and Keith Metcalf met with Bob Lord, of Natural England, on 11th January 2008. Mr Lord is satisfied that the Pleasure Grounds, Shorefield Copse (Sharvels Copse) and Studland Common are in a suitable condition for LNR status to be appropriate. You may be aware that the area is currently the subject of a Forestry Commission Woodland Grant Scheme, whereby financial assistance is being given to improve the woodlands and common for both amenity and wildlife diversity. LNR status will have the added benefits of attracting additional funds and other assistance for planned work, provide a further layer of protection against development pressure and increase public awareness of the value of the proposed reserve.

The next step towards designation is for NFDC to permit the Parish Council, under delegated powers, to go forward with the process. Under Section 101 of the Local Government Act 1972, any principal local authority, and this includes District Councils, may delegate by mutual agreement, its functions under Section 21 of the National Park and Access to the Countryside Act 1949 to a Parish or Community Council or indeed any other local authority. The local authority must consult with Natural England in exercising their function under Section 21. This has already been satisfied. (See copy letter from Natural England attached).

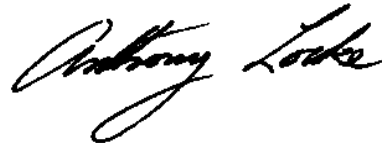
Therefore, we would be pleased to receive the District Councils permission under your delegated powers for the Parish Council to go forward with the process of declaring the land as a Local Nature Reserve.

We look forward to receiving appropriate confirmation is due course.

Yours sincerely



Keith Metcalf
Parish Clerk
Milford-on-Sea Parish Council



Anthony Locke
Chairman
Milford-on-Sea Wildlife Recording Group

Attachments:

- Minutes of the Finance & General Purposes Committee held Monday 3rd December 2007
- Two maps showing Area proposed for LNR designation
- Copy Letter from Bob Lord – Natural England