
**Decision Session – Executive Member for
Transport and Planning**

10 September 2015

Report of the Acting Director of City and Environmental Services

**Proposal to Designate Hassacarr Nature Reserve as a Statutory
Local Nature Reserve (LNR) by delegation of council function**

Summary

1. The paper proposes that City of York Council supports the application to declare Hassacarr Nature Reserve as a Local Nature Reserve (LNR) albeit that the land is within the ownership of Dunnington Parish Council. The Parish Council asks the Executive Member to either
 - endorse that the City of York Council, in this one instance, delegates its functions to Dunnington Parish Council to declare Hassacarr Nature Reserve as a LNR, or
 - that the site be designated a LNR by way of a ‘Nature reserve agreement’.

Background

2. Dunnington Parish Council has approached City of York Council with a case for Hassacarr Nature Reserve being declared as a statutory LNR.
3. Section 21 of the National Parks and Access to the Countryside Act 1949 gives Local Authorities the power to acquire, declare and manage nature reserves. Although the term ‘Local Nature Reserve’ is not used in the Act, this has become the term in common usage for nature reserves managed by Local Authorities in accordance with the Act.
4. Under Section 101 of the Local Government Act, 1972 any principal Local Authority may delegate, by mutual agreement, its functions under Section 21 of the National Parks and Access to the Countryside Act, 1949 to a parish, town or community council (or indeed to any other Local Authority).

5. Section 19 of 1949 Act sets out what areas can be declared nature reserves. It states that the land that can be declared a nature reserves is:
 - Land the subject of a nature reserve agreement; or
 - Land acquired or held by [the local authority]'Nature reserve agreement' is defined in s15A of the 1949 Act as meaning "an agreement entered into under section 7 of the Natural Environment and Rural Communities (NERC) Act 2006 for the purposes of securing land which it appears expedient in the national interest shall be managed as a nature reserve."
6. Regulations 4 and 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 enables appropriate delegation of function by the Executive Member.
7. The responsibility for selecting, acquiring and making arrangements for management of LNRs lies with Local Authorities. Section 19 of the 1949 Act sets out the procedures for declaration (and de-declaration) of nature reserves. Declaration establishes formal proof of the LNR and informs the public of the LNR's existence.
8. The Local Authority (or delegated body) makes a declaration that:
 - a. The land is subject to an agreement entered into with them or has been acquired and is held by the authority; and
 - b. The land is being managed as a nature reserve.
9. Before an LNR is formally declared, Natural England asks that the Local Authority making the declaration gives Natural England the opportunity to formally welcome the proposal. Although there is no statutory requirement to do so, it gives Natural England an opportunity to provide advice about the site and any possible issues.
10. The Local Authority (or delegated body) may execute the declaration document in the same way that it executes any legal agreement. The declaration is best to be accompanied a map that shows accurately the boundaries of the LNR in order to avoid confusion.
11. Notice of the declaration should be published in the best way that informs local and relevant people, including posting a notice up at the site entrance. Certified copies of any declaration may also be kept for public inspection in appropriate Local Authority offices and

public libraries. Local newspapers are a good way to advertise the declaration to the public.

12. LNRs are both for people and nature - they are places with wildlife or geological features that are of special interest locally. Through good management it is possible to give people special opportunities to study and learn about them or simply enjoy and have contact with nature. There are over 1000 LNRs in England today ranging from windswept coastal headlands, ancient woodlands and flower meadows to former inner city railways, long abandoned landfill sites and industrial areas. In total they cover over 40,000 hectares, forming an impressive natural resource which makes an important contribution to England's biodiversity. However LNRs are comparatively scarce in North Yorkshire – with only 17 recognised sites, 4 of which are within York. Clifton Backies LNR was the first within York (designated 2002), Hob Moor LNR the second (2003), St Nicholas Fields LNR the third (2004), and Acomb Wood & Meadow fourth (2007).
13. LNR designation serves to:
 - increase people's awareness and enjoyment of their natural environment
 - provide an ideal environment for everyone to learn about and study nature
 - 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 to be left undeveloped
 - make it possible to apply by-laws which can help in managing and protecting the site
14. The site is situated close to the village of Dunnington, as shown on the location plan in Annex A. Dunnington Parish Council is the freeholder of Hassacarr Nature Reserve covering 1.5Ha (3.7 Acres) of land. The site is managed by Dunnington Conservation Group on a voluntary basis in accordance with a site management plan, referenced in Annex B - 'Case for Hassacarr Nature Reserve being declared as a statutory Local Nature Reserve'.
15. The old pond was re-excavated circa 1990 and, with an adjacent ex-arable plot planted with trees to form Hassacarr Nature Reserve. With its name derived from the Old English phrase for a tussocky marsh, Hassacarr Pond has probably had a very long

continuity of wetland conditions, which may explain its unusually rich flora and insect fauna. Ecological records are detailed in Annex B.

16. The pond and surrounding woodland (0.5Ha) are designated a Site of Importance for Nature Conservation. Hassacarr Pond represents one of the most important non-SSSI (Site of Special Scientific Interest) wetlands in the City of York.
17. Community involvement in the site is the primary responsibility of Dunnington Conservation Group. Work parties are held once a month involving practical management tasks. Environmental groups such as the Trust for Conservation Volunteers and others have helped out on site. Members of the wider public are also encouraged to participate. The site has had a range of visitors including ornithological and natural history groups, brownies, cubs, schools and disabled children. If the LNR designation is fulfilled, the continued community involvement will be carried out by the volunteers of Dunnington Conservation Group.

Consultation

18. As part of the process of developing a Management Plan for Hassacarr Nature Reserve members of Dunnington community have been consulted as to the designation of the site as an LNR and its future management. Consultation was carried out by the Parish Council by distributing fliers to all properties in Dunnington and by discussion at Parish meetings. The LNR designation proposals received unanimous support.
19. Other groups who have had the opportunity to have an input to the management plan are local ecologists, York Ornithological Club, Natural England, Environment Agency, and council officers.
20. In line with the protocol for designation of any site as an LNR, as stipulated in National Parks & Countryside Act 1949, Natural England (the Statutory Nature Conservation Body for England) have been consulted. Natural England supports the designation of Hassacarr Nature Reserve as a LNR.

Options

21. Option 1: City of York Council endorses the application to declare Hassacarr Nature Reserve as a Local Nature Reserve by delegating powers to Dunnington Parish Council in this one instance. This would avoid the need to have a nature reserve agreement regarding the management of the land.

22. Option 2: City of York Council enters a (nature reserve) agreement with the Parish Council (PC) regarding the management of the land under the auspices of section 7 of Natural Environment and Rural Communities (NERC) Act 2006.
23. Option 3: City of York Council does not endorse the application to declare Hassacarr Nature Reserve as a Local Nature Reserve.

Analysis

24. The advantages of endorsing the application to designate the site as a Local Nature Reserve are:
 - i) LNR designation is statutory, so that in planning terms protection of the site would be enhanced
 - ii) Additional advisory assistance would be available from Natural England. Financial assistance has been available in the past, and may continue to be available in the future as new grant schemes are developed and come under the administration of Natural England
25. The designation may help to secure funding from other sources, for example landfill tax credits, and various arms of Lottery funding.
26. Option 1 is recommended as it would benefit the site and require limited resource input from the City of York Council.
27. Option 2 would have the same benefits as Option 1; however there would be greater staff resource implications as it would put an onus on the Council to make sure the nature reserve agreement is being met.
28. Option 3 would require the least amount of resource input from the City of York Council, however if the application for declaration as a Local Nature Reserve was not endorsed, certain grant scheme options would be closed to application and expert advice and support from Natural England would not be accessible. In addition the extra protection from development and the benefits of a public designation would not be felt by the local community.

Council Plan

29. The ultimate designation as an LNR helps to meet the Council's corporate priorities, as set out in the Council's Plan 2011-15, to build strong communities and protect the environment.

30. The knock-on effects and benefits of LNR designation will also help to improve opportunities for learning, improve health & well being, and developing opportunities for events & activities.
31. The designation of Hassacarr Nature Reserve will increase the number for LNR sites from 4 to 5, increasing the overall area of land in York under LNR designation, from 62.5 hectares to 64 hectares.

Implications

32. **Financial** The only cost associated with LNR designation is that of advertising the designation status, approximately £200. The cost would be met by Dunnington Parish Council if 'Option 1' was accepted, with no financial implications for the City of York Council. Should 'Option 2' be the agreed course of action the Local Authority would meet the advertising cost from the City and Environmental Services budget. The designation in the long term is likely to allow more funding opportunities for Dunnington Conservation Group along with other community groups.
33. **Human Resources (HR)** There are no HR implications.
34. **Equalities** There are no Equalities implications.
35. **Legal** The National Parks and Access to the Countryside Act 1949 gives powers to Local Authorities to designate LNRs. The local authority must have legal interest in the land, for example by owning it, leasing it or having an agreement with the owner. As the land is not within the ownership of the City of York Council they will have to enter a (nature reserve) agreement with the Parish Council (PC) about the management of the land under the auspices of Section 7 of the Natural Environment and Rural Communities (NERC) Act 2006.
36. **Crime and Disorder** There are no Crime & Disorder implications.
37. **Information Technology (IT)** There are no IT implications.
38. **Property** There are no Property implications.
39. **Other** There are no other implications.

Risk Management

40. There are no known risks associated with the designation of Hassacarr Nature Reserve as a Local Nature Reserve.

Recommendations

41. The Executive Member is asked to approve Option 1, to endorse that the City of York Council delegate its functions under Section 21 of the National Parks and Access to the Countryside Act, 1949 to Dunnington Parish Council in this one instance such that Hassacarr Nature Reserve be designated as a Local Nature Reserve.
42. Reason: The designation as an LNR will bring positive benefits to the local community and to the site itself. It will help preserve & enhance the site for future years, send a positive message to the local community, and ensure good management practices are followed in consultation with Natural England.

Contact Details

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Report **Date** 21/08/15
Approved

Neil Ferris
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Report **Date** 13/08/15
Approved

Specialist Implications Officer(s)

Implication - Legal
Sandra Brannigan, Senior Solicitor 01904 551040

Wards Affected: Derwent Ward

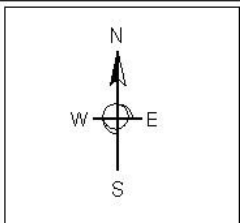
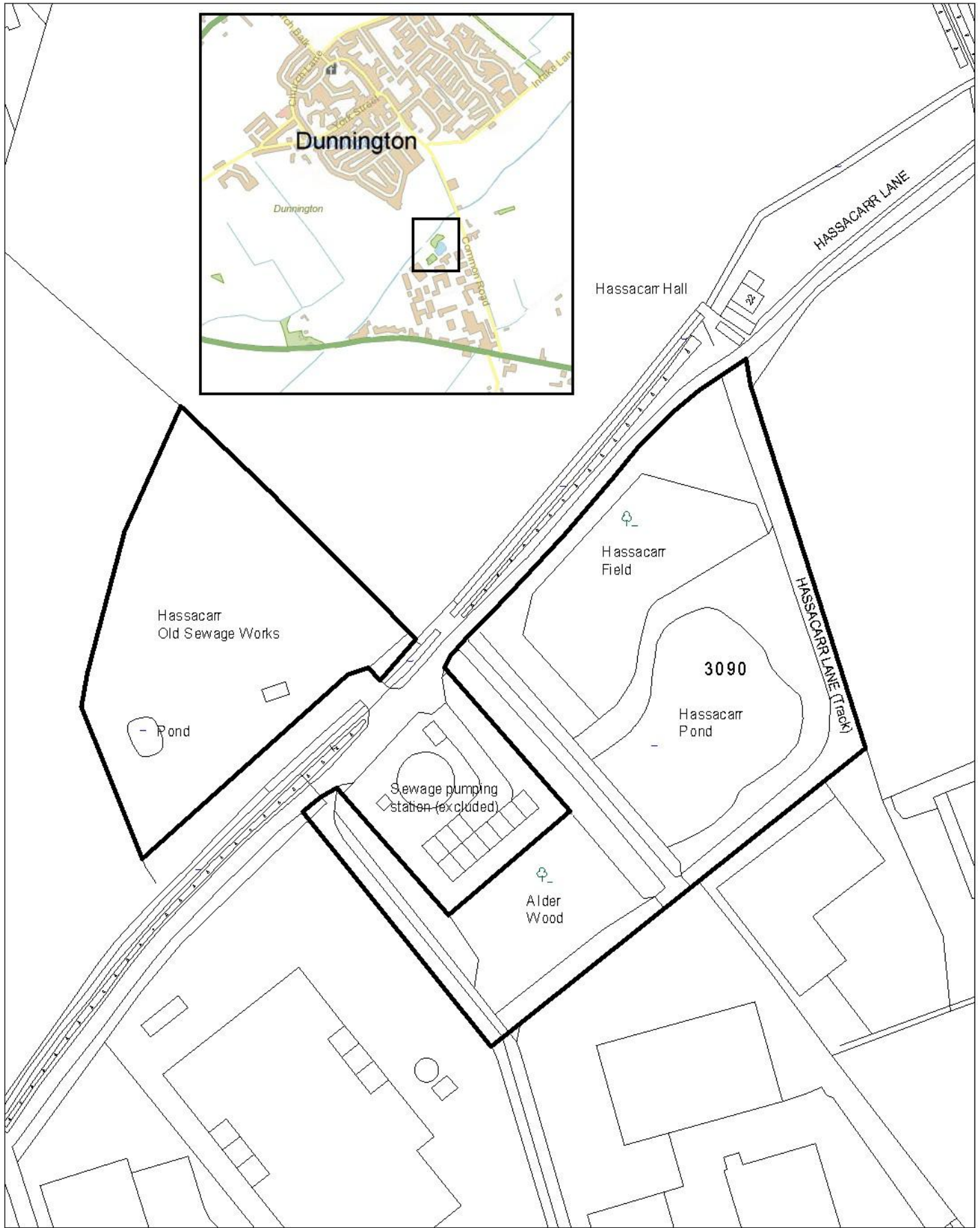
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For further information please contact the author of the report

Annexes

Annex A : Area & Location of Proposed LNR

Annex B : Case for Hassacarr Nature Reserve being declared as a statutory Local Nature Reserve



Hassacarr Nature Reserve

SCALE: 1:1250