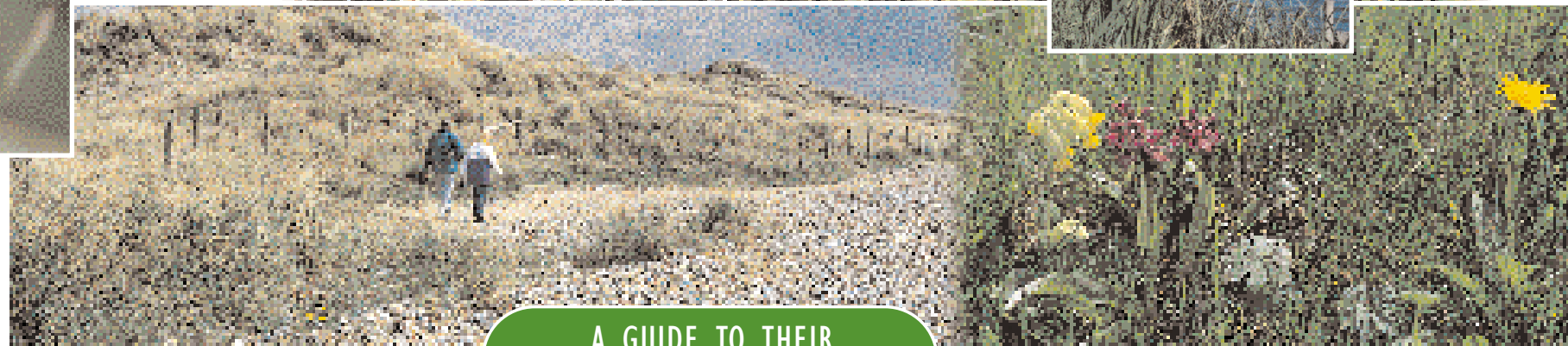
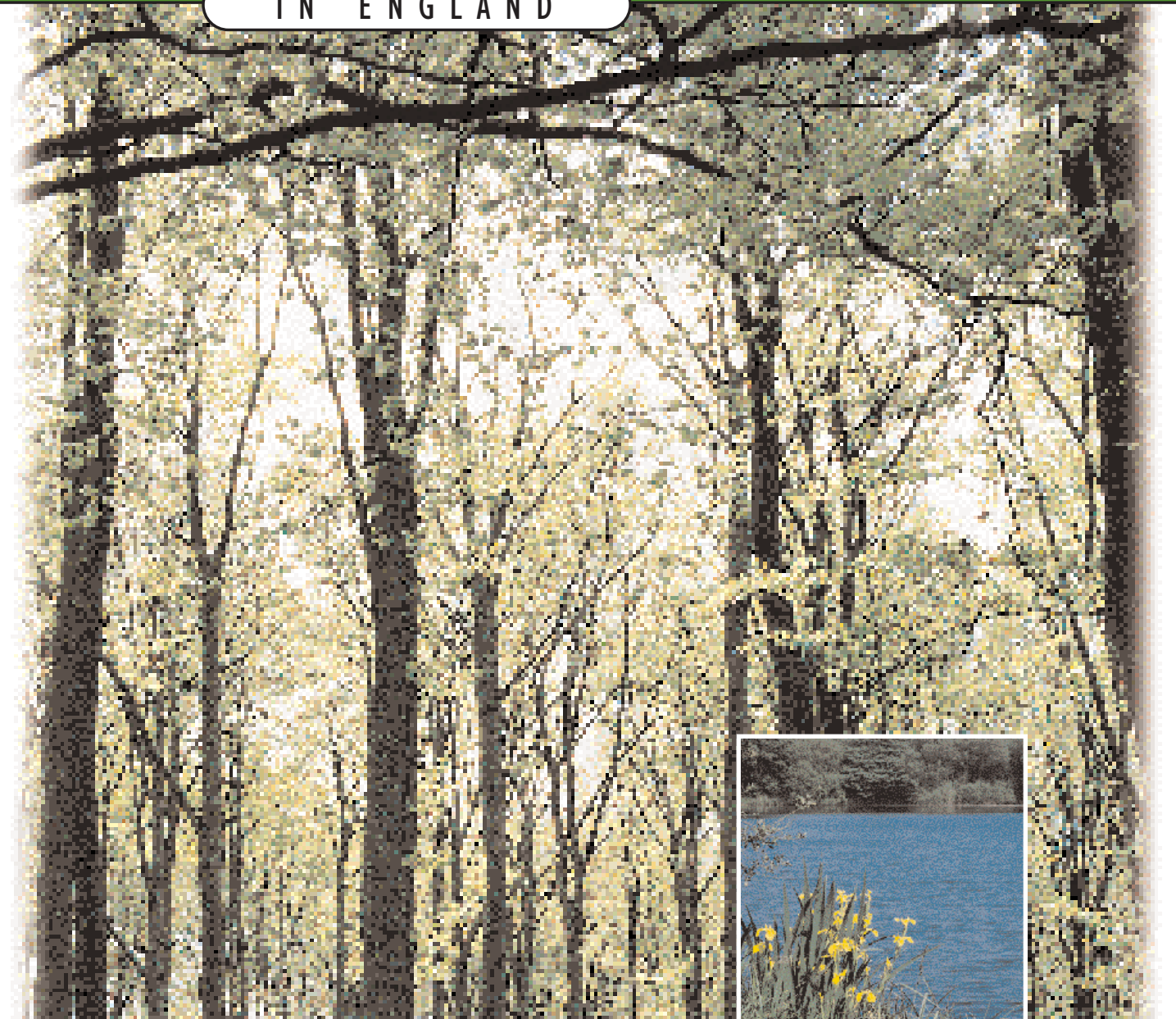


LOCAL NATURE RESERVES

IN ENGLAND



Photographs by George Barker



A GUIDE TO THEIR
SELECTION AND DECLARATION

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LOCAL NATURE RESERVES IN ENGLAND

A GUIDE TO THEIR SELECTION AND DECLARATION

by George Barker



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Introduction

Section 21 of the National Parks and Access to the Countryside Act, 1949, gives principal local authorities the power to acquire, declare and manage nature reserves. Although in the 1949 Act these are referred to as 'Nature Reserves Managed by Local Authorities' they have by common usage become generally known as Local Nature Reserves (LNRs). The responsibility for selecting, acquiring and managing these nature reserves is the local authorities'. However, English Nature must be consulted by local authorities in their use of the powers given by Section 21. This document is meant to reduce the burden of consultation by setting out English Nature's current views about LNRs and the ways in which we hope that local authorities will consult us. It also tries to clarify some details of the 1949 Act in the light of more than fifty years experience in selecting and managing National Nature Reserves and in advising over LNRs. In doing this we have drawn on the now considerable experience of local authorities and the Wildlife Trusts.

It must be emphasised at the outset that the comments about site selection and management are simply our advice. English Nature has no mandatory powers here. Similarly, although local authorities must consult us in exercising their powers under Section 21 there is no definition in the 1949 Act of what this consultation should entail and the comments in this document should be read with that in mind.

Because of successive changes in title since 1949 it may be helpful to clarify references in the text to English Nature, its Council and its predecessors.

The Nature Conservancy was established in 1949 by the National Parks and Access to the Countryside Act and was succeeded by the Nature Conservancy Council in 1973. In 1991 the Nature Conservancy Council was in turn succeeded in England by English Nature. The formal governing Committee for English Nature is called the Nature Conservancy Council for England (occasionally abbreviated in the text to 'Council').

The document outlines the purpose, selection, establishment, declaration and management of Local Nature Reserves and attempts to place them in a general planning framework.

Appendix 1 summarizes the relevant legislation. Other appendices deal with consultation procedures and set out models.

The publication is intended as a guide for both English Nature and local authority staff. It is not meant to be a promotional publication, but a working document for officers. A promotional leaflet called **Nature is your neighbour** is available free of charge from English Nature offices. (See pp 29-30) Another free leaflet **Windows in time** about earth science interests is also available. The more general leaflet **A space for nature** is relevant too.

The broad framework for LNRs

One of the functions of English Nature is to establish and manage nature reserves on land which is of national importance to nature conservation. However, not all important sites are, or are likely to become, National Nature Reserves. For the majority of these sites their protection and good management depends on the provisions of the Wildlife and Countryside Act 1981 and their notification as Sites of Special Scientific Interest (SSSIs) under Section 28 of that Act. Both the selection and acquisition of NNRs and the selection and notification of SSSIs are statutory powers or duties of English Nature, whose staff have to take account of criteria which are based on ecological principles and detailed knowledge of the national biological/geological resource in the selection of sites.

A third statutory designation is available to ensure the protection and good management of sites of value to nature conservation. Unlike NNRs and SSSIs the selection declaration and management of Local Nature Reserves is a function of local authorities rather than of English Nature. Since these powers became available in the National Parks and Access to the Countryside Act, 1949, local authorities in England have declared over 600 LNRs on sites which span a wide range of interests and uses. It should be made clear that declaration of a LNR does not mean that English Nature can, or will, assume control either of the land concerned or of resources. It does mean that the local authority accepts a commitment to manage the land as a nature reserve and to protect it from inappropriate uses or development.

The only guidelines that exist for the selection of LNRs are contained in the National Parks and Access to the Countryside Act, 1949 itself and, in essence, the judgement of the local authority is relied on in defining sites of special importance to nature conservation. With the increasing interest and involvement of local authorities in nature conservation it is felt that clear guidelines will continue to be helpful. This is particularly so in towns and cities where places which are both suitable and available for use as nature reserves do not easily fit the traditional image of nature reserves. We need to take into account the ways in which public demands on nature conservation and ideas about the purpose of nature conservation have shifted since the 1949 Act was drafted. We also need to recognise that many local authorities employ experienced ecologists and/or draw on the knowledge and experience of Wildlife Trust officers.

From English Nature's viewpoint, LNRs have important parts to play in biodiversity conservation, the protection and interpretation of features

important in earth sciences and in helping to reach priority targets for the Natural Areas they lie in. Local authorities may be more interested in the contribution LNRs make to the quality of the environment for local people, the part they can play in community development and their values in education. While English Nature and local authorities subscribe to all these values, the possible differences in emphasis must be appreciated. The potential gap here has been narrowed by English Nature's determination to see more people directly involved in nature conservation and the local authorities' commitment to local plans to conserve biodiversity.

The purpose of this document is not to put a strait-jacket around the selection of LNRs. However, since a statutory designation is involved and since English Nature must be consulted by local authorities in the exercise of their powers, it is helpful to examine how present-day needs can be served under the terms of the 1949 Act and how the selection of LNRs may differ from that of NNRs and SSSIs.

The purpose of LNRs

A Nature Reserve is defined in Section 15 of the National Parks and Access to the Countryside Act 1949, as:

'land managed for the purpose:

- (a) *of providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna of great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area; or*
- (b) *of preserving flora, fauna, or geological or physiographical features of special interest in the area; or for both these purposes.'*

The first definition relates to sites which offer special opportunities for study and research. While giving local authorities the opportunity to acquire and manage land of special value to naturalists, schools and colleges in the study of nature, it gives little opportunity to address the broader needs of people for contact with and enjoyment of natural features and wildlife.

The second definition does offer more scope. In defining the purpose of a nature reserve as preservation of natural features of special interest in the area, no strict definition is given of what is 'special'.

There would seem to be no obstacle in the 1949 Act to English Nature and the local authorities holding the view that the natural features of a site are of special interest because the public uses them for quiet

enjoyment and the appreciation of nature. This is indeed supported by the two documents which immediately preceded the 1949 Act. The 1945 Report of the Nature Reserves Investigation Committee, in para 40, refers to the general amenity value of nature reserves and the interest of local authorities in this. Command 7122, *The Conservation of Nature in England and Wales*, states, in reference to local nature reserves, 'We attach great importance to stimulating local efforts to establish nature reserves for the enjoyment and education of the public. . . .' The need people have for enjoying and appreciating nature is no less now than it was then.

The second definition of the purpose of a nature reserve applies very clearly to sites which have been identified as ones which are of high value to nature conservation. The 1949 Act emphasises the local significance of LNRs and therefore sites which are of high intrinsic value in the local context for their natural features e.g. one of the non-statutory Sites of Interest for Nature Conservation (or local equivalent) can be selected, and often are, as LNRs even though they do not form part of the national series of SSSIs.

It is very clear in the legislation that sites selected for designation as LNRs must be of special interest. It is also clear that the words 'in the area' when applied to LNRs mean the area over which the local authority has responsibility. It should be noted that because of the comma after 'live' in (a) the words 'in the area' apply only to geological and physiographical features and not to special opportunities for study and research. It is our advice that, in spite of this, in evaluating sites for study and research this need be done only in the context of the area over which the local authority has a remit. Thus evaluation of a site should be based ideally on a thorough knowledge of all the resources within the local authority's area of jurisdiction on which site selection is being based. However, all that the 1949 Act in fact says is that the local authority should feel that the site in question would be appropriately managed as a nature reserve and that it has special interest or value in their area.

LNRs have important parts to play in Local Biodiversity Action Plans and, in most cases have potential for community involvement through Local Agenda 21 programmes. English Nature suggests that they can be used as indicators for sustainability and that a target of one hectare of LNR per 1,000 population is realistic. Particularly where LNRs are used to serve community needs, some meaningful input must be made by the community. This should include discussion of what the community wants as well as how it can make a direct contribution to management. Careful monitoring will be needed to see whether societal or ecological/geological objectives are being met and whether adjustments to projects or management plans need making.

The selection of LNRs

English Nature advises that sites proposed for declaration as LNRs should be:

1. of high natural interest in the local context (SSSI or near equivalent);

or

2. of some reasonable natural interest and of high value in the Parish/District/Borough/County context for environmental education or research;

or

3. of some reasonable natural interest and of high value in the Parish/District/Borough/County context for the informal enjoyment of nature by the public;

or

4. any combination of 1-3;

and

5. capable of being managed with the conservation of nature and/or the maintenance of special opportunities for study or research as a priority concern.

The 1949 Act makes no provision for potential interests and so implies that a site must actually hold special interest at the time of declaration. However, under certain circumstances the study of the natural development of a site could give special opportunities for the study of flora or fauna or research relating to it. If this really can be said to be so then the site could be declared a LNR at the outset. Indeed declaration as a LNR may be needed to turn potential use for education into actuality. The potential to develop the natural interest of a site to the level which would give it special interest in terms of the 1949 Act is not, in our view, an adequate justification for declaration. Where this development is intended, English Nature advises that formal declaration is delayed until a special interest has been developed and that in the meantime the reserve is held as an informal nature reserve.

We suggest that in evaluating sites separate consideration is given to:

- flora, fauna and habitats;
- geology and geomorphology;
- use for school-based education;
- use for community education;
- use for research;
- value to local people.

Particularly in connection with value to local people it is wise to include assessment of historical and local cultural values, even though this is not seen as central to the definition of a nature reserve in the 1949 Act.

The question of minimum size is frequently raised, particularly in urban areas. There is no simple answer since the minimum size which makes retention of the special interest of a site probable will vary enormously and depends on the particular interest concerned and the uses to which the site is put. Anecdotal evidence suggests that any site less than 2 hectares is not likely to stand heavy, multiple uses. It will also depend to some extent on adjacent land uses and the degree of isolation of the site from other sites of similar character. A good deal is in fact known about the needs of individual species, enough in many cases to judge the minimum area and the type of management needed to sustain viable populations and viable communities of particular plants and animals. It is advisable to take specialist ecological advice in each case when such expertise is not available in-house since individual sites and local conditions are so variable.

English Nature recommends that everyone should have an accessible natural greenspace within 300 metres of home; at least one accessible 20 hectare site within 2 kilometres of home; at least one accessible 100 hectare site within 5 kilometres of home; and at least one 500 hectare site within 10 kilometres of home. LNRs can contribute to these targets. We also recommend that LNRs are provided so that there is a minimum of 1 hectare for every 1,000 population. This figure, we suggest, can give a standard against which some aspects of sustainability can be measured.

There has been no clear view whether a nature reserve can - or should - include a buffer zone. The zone is normally an area of lower value than the reserve and is needed either to safeguard an essential supply to the reserve (eg the control of the whole of a catchment may be needed in order to make sure a pool or wetland in its centre is conserved) or to absorb potentially damaging activities (eg recreation pressures). It seems reasonable to include a buffer zone in an LNR where it can be shown that it contributes to maintaining the special interest of the reserve unless, as in the case of the catchment, the area is large and some form of separate management agreement is a more practical solution. Buffer zones might also be drawn to contain facilities such as reserve centres and car parks which may serve important functions for the reserve and which need to be covered by bye-laws, but for which good habitat should not be sacrificed. It is less clear in instances where a buffer zone is used simply to absorb damaging, or potentially damaging, activities which are unrelated to the functioning of the reserve. Common sense suggests that if land is being used in this way it should be classed as public open space and not as a nature reserve. However, there may be particular reasons why this is not appropriate in individual cases.

Establishment and declaration (including compulsory purchase)

This section, in trying to cater for all eventualities, gives a misleading impression that establishing a LNR is complicated and, possibly, expensive. It is in fact very straightforward in the vast majority of cases and therefore inexpensive in terms of staff time and other resources.

Section 21 of the 1949 Act gives powers to principal local authorities, ie County Councils, Borough Councils and District Councils. However, Parish Councils and Community Councils are also local authorities (Local Government Act, 1972, Section 270). With the agreement of both parties, a principal local authority can delegate its powers to declare etc LNRs to a Parish or Community Council. (Local Government Act, 1972, Section 101). A parish meeting is not a local authority and so cannot be delegated powers under Section 101.

To establish a LNR, the local authority must first have or must acquire a legal interest in the land (see also Appendix 1). Where this is a freehold or leasehold interest, it is important that the local authority has possession and occupation prior to declaration; and where there are tenants, that such tenancies have due respect for the nature conservation interest of the land.

Alternatively, there may be an agreement between the local authority and the owner of the land. In this case, if the land is subject to a tenancy, both owner and tenant must be parties to the agreement. Such agreements can be made, for example, with non-government nature conservation organisations which wish to see their reserves officially recognised as LNRs. (See Appendix 7.) Although the examples given in Appendix 7 and Appendix 8 are quite formal there is no need for such formality so long as the legal advisors to all the parties involved are satisfied. The main need is for clarity over what is being agreed and, in particular, who is responsible for doing what.

The powers given in Section 16 of the 1949 Act form the basis for any agreement. It is not necessary to use either Section 15 of the Countryside Act or Section 39 of the Wildlife and Countryside Act. Any other agreement will do which both sides agree gives a legal interest in the land. (See Appendix 7).

It is suggested that our model Section 15 agreement may be useful as a guide (see Appendix 8).

The local authority making the declaration must have jurisdiction over the area in which the proposed reserve lies. A local authority owning land in a second local authority's area can only declare this land a LNR if powers are delegated to it by the second local

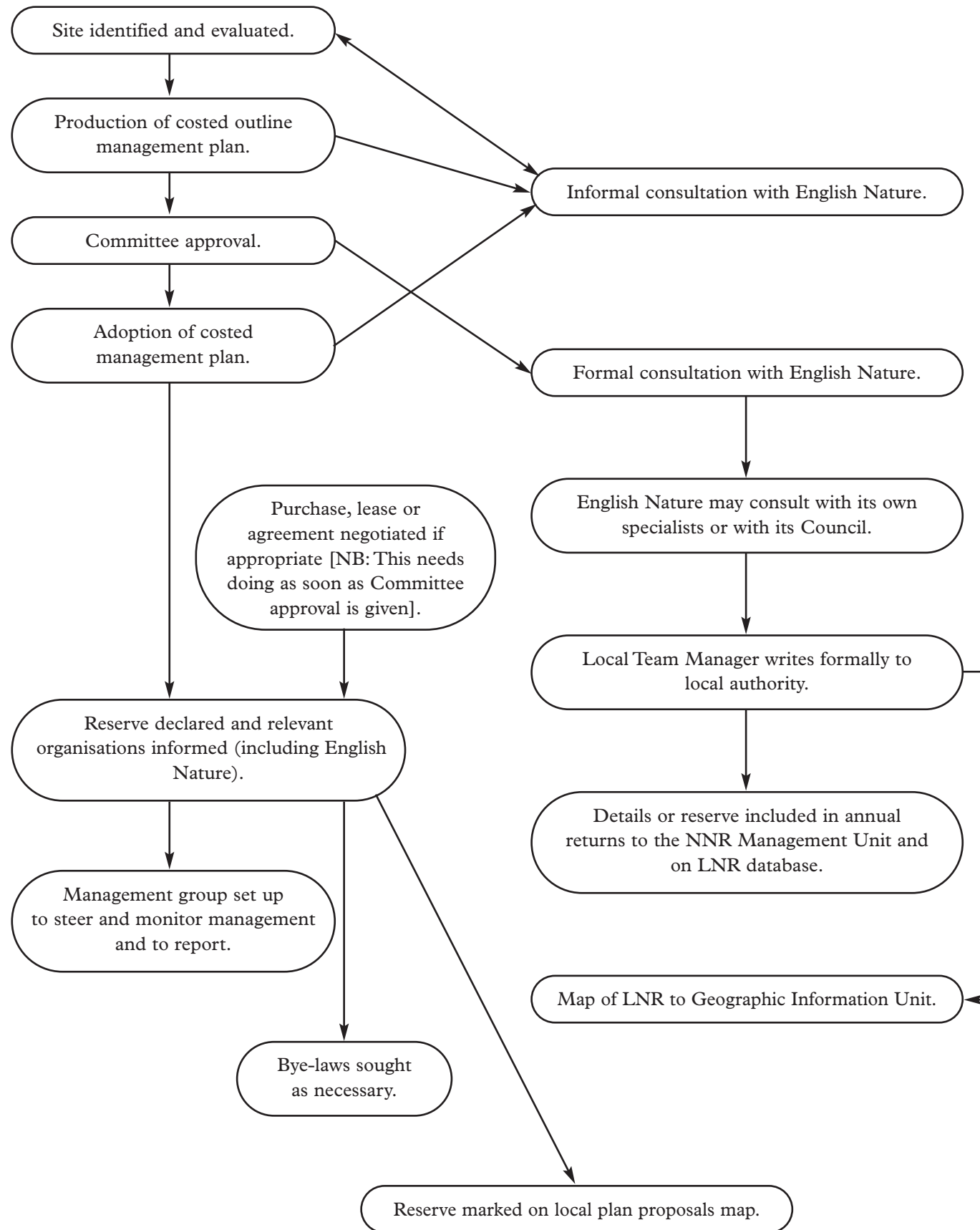
authority. Otherwise an agreement would be needed giving the second local authority the legal interest necessary for it to make a declaration. In such a case the agreement would make it clear where the responsibilities for management lay. Where there are two local authorities having jurisdiction over the same area (eg a district and a county council) both can declare LNRs in this area provided that they have a legal interest in the land concerned.

The 1949 Act gives powers of compulsory purchase to local authorities in establishing LNRs. However, compulsory purchase can only be used where local authorities are convinced that they cannot arrive at a satisfactory agreement on reasonable terms. Where a breach of any nature reserve agreement occurs which prevents or jeopardises the proper management of a LNR, compulsory purchase is one remedy open to the local authority. The use of compulsory powers is, of course, subject to limitations and dispute procedures.

Parish Councils can obtain an interest in land by agreement (Local Government Act, 1972, Section 124). However, should compulsory purchase be required, then a principal local authority must act on behalf of the parish. A Parish Council cannot itself use compulsory purchase. (Local Government Act, 1972, Section 125.)

Main steps in setting up an LNR

(see Appendix 9 for details)



Consultation with English Nature

In exercising their powers under Section 21 of the 1949 Act, local authorities must do so in consultation with English Nature. Ideally, English Nature's local staff should be consulted informally at an early stage so that any problems can be ironed out before formal consultation is made. It is very hard to give constructive advice or informed comment where there is no policy statement and outline management programme accompanying other consultation documents. We ask for these to be submitted wherever possible although we recognise that the Act does not demand this. In some instances indeed English Nature would be justified in the absence of these documents in refusing to confirm that consultation has been carried out. Local staff are also in a good position to give an opinion about the special natural interest of the sites in question should the local authority need such an opinion.

Where formal consultation is concerned, there is a legalistic point to consider. It is likely that by consultation with English Nature the Act means the Nature Conservancy Council for England itself and not its officers. As a legal fail-safe mechanism English Nature's Council has formally delegated Local Team Managers to respond to consultations on the Council's behalf. The internal procedures referred to in Appendix 2 relate to this formal consultation.

It has happened in the past that a local authority has declared a LNR without consulting the Nature Conservancy Council. We strongly recommend that if this ever happens again English Nature is formally consulted at the earliest opportunity and that after the consultation has been completed the site is formally declared again. If this is not done it could be argued that the statutory requirements have not been met and any declaration and any bye-laws depending on the declaration are invalid. This could cause considerable embarrassment if, for example, a prosecution was brought under bye-laws which a court found to be invalid.

Declaration establishes formal proof of the LNR and informs the public of the LNR's existence. (See Appendix 1 for procedures. Note also Appendices 3 and 4.)

Extensions to an existing LNR demand the same procedures, although since the site will be familiar to English Nature staff it is likely to be a relatively simple consultation process. If any part of a LNR needs to be de-declared, eg part has been lost to a road widening scheme on the boundary, English Nature needs to be consulted. Where bye-laws have been approved for the LNR, it is important to make sure that these are adjusted to take such changes into account as soon as possible. (See *Byelaws for LNRs*).

Although day-to-day management could be construed as a local authority exercising its powers under Section

21 of the 1949 Act - and so requiring consultation with English Nature - this is not normally necessary unless the reserve is also a SSSI. English Nature does encourage local authorities to write management policies and prescriptions and would be glad to comment on these. Only if things are clearly going badly wrong would English Nature seek formal consultation once declaration has been made e.g. if there seemed a risk that the 1949 Act definitions of a nature reserve might cease to apply.

Management of LNRs

The value of a site for its wildlife or geological interest can be increased, often substantially, by good management. Indeed even the maintenance of the natural interest of habitats such as coppiced woodland, grazing meadows, or heathland or the value of some geological features requires informed and careful management. Where educational use and public enjoyment are concerned, management is essential to get the best from the site. In addition to correct management of habitats and natural features, interpretative materials and well planned, clearly defined footpaths and so on, have important parts to play. However, there is little doubt that site-based wardens make a particularly effective contribution in maintaining and enhancing site values. On heavily used sites, wardens operating from a reserve centre with general interpretative facilities and classroom(s) are virtually essential.

Many LNRs are used quite extensively by schools. Even so, it is relatively rarely that the Education Authority plays a central role ensuring that the potential of the LNR is realised, that facilities are adequate, that National Curriculum targets are understood and served and that site staff have opportunities for relevant training. Involvement by the Education Authority should be actively sought by the LNR managers. Further, an annual mailing of basic literature about LNRs in the area should go to all local schools.

Although the uses to which a LNR is put may range quite widely, management should maintain the features which give the site its special interest. Where the purpose of the LNR is to give special opportunities for study or research then the maintenance or improvement of these opportunities should be a main aim.

Thus the definition of management objectives and the development of working programmes are important from the outset. English Nature's publication *Managing Local Nature Reserves* will help in this particularly where in-house ecologists or the Wildlife Trust are not involved. Defining objectives and monitoring management are helped if a management advisory committee is set up comprising local authority officers, interested user organisations and ecologists. Such committees should be established and serviced by local authorities. Where schools are major

users, it is worthwhile setting up a Junior Management Board, made up of young people elected by their schools, which meets to discuss their needs and feed in their ideas. Such a group can contribute to the management advisory committee directly or indirectly, eg through site staff.

There has been confusion in some cases whether or not English Nature should be consulted about work proposed on site. This arose because there is a statutory requirement for consultation under Section 28 of the Wildlife and Countryside Act 1981 where a LNR is also a SSSI. Many LNRs are not notified as SSSIs and declaration of a piece of land as a LNR does not in itself confer SSSI status on the site. If they are not SSSIs then there is normally no need for English Nature to be consulted about work on the site or about changes in management. As mentioned previously, only when things seem to be going badly wrong would English Nature ask for formal consultation over site management.

While declaration of a site as a LNR does not give the public an automatic right of access, a policy on access is desirable at an early stage and is one component of any management plan. The policy may range from applying strict controls on access to providing specified areas of open access with information centres, observation hides, nature trails, facilities for people with special needs and car parks. The policy adopted will depend on a number of factors including vulnerability of habitat, site location, manpower and financial resources and, if the reserve is established by agreement or lease, the wishes of the owner. Whatever the eventual policy, it is wise to erect signs with a map which shows the access arrangements clearly.

Financial help for carrying out management may be given by English Nature. Details can be obtained from local offices. There is no automatic entitlement to grant and the amount awarded will depend upon the level of benefit for nature conservation and the money available to English Nature for grants. Grants may also be available from other organisations. Information about grants is to be found in *Environmental Grants* by Stephen Woollett, published in 1997 by the Directory of Social Change, Radius Works, Back Lane, London NW3 1HL. The DETR also produces a list of sources of environmental grants.

Practical help with management and in particular with the more specialised tasks, may be obtained from the British Trust for Conservation Volunteers which may also be able to give basic training to volunteers.

Bye-laws for LNRs

It may be desirable or necessary to apply bye-laws to any LNR. This will depend to a large extent on the degree of public access to the reserve. If there is general access to any reserve, or to any part of it, it is advisable to have bye-laws, if only to provide support

for any staff or the police in controlling undesirable and unacceptable activities (see Appendix 1). A set of model bye-laws drawn up for NNRs and which can be applied to LNRs, is set out in Appendix 6.

It should be realised that bye-laws cannot override existing rights over land. It is also worth remembering that it is recommended that only one set of bye-laws be applied to any piece of land. Therefore if a new LNR has, for example, open space bye-laws applying, these need to be revoked before nature reserve bye-laws are applied. In view of the time and effort required, it is worth weighing very carefully the existing bye-laws against the proposed ones and seeking new bye-laws only if really necessary. In applying for bye-laws, the selection from the approved list should be made carefully. Any subsequent amendment requires existing bye-laws to be formally revoked. Adding to the approved list of bye-laws will mean delay. DETR is not likely to accept new clauses without careful justification of the need of them to conserve nature. For example, a 'poop-scoop' clause would not be justified in nature reserve bye-laws on grounds of public health or nuisance, but might be if it was shown that eutrophication from this source adversely affected the plants or animals on which the special interest of the LNR depended. Public health, public open space, and nature reserve bye-laws are treated as distinct entities.

Where a LNR to which bye-laws apply is extended or part is de-declared, the bye-laws need to be revoked and new ones approved for the amended area of land.

Application for bye-laws should be made through the local authority legal department to: Local Nature Reserve Officer, European Wildlife Division, DETR, Room 922, Tollgate House, Houlton Street, Bristol BS2 9DJ.

It speeds things up if bye-laws are submitted in draft form and, importantly, that a clear map accompanies the draft. Once the wording is agreed, DETR will give approval to advertise them and normally gives an approved form of words for the advertisement. Failure to give the one month period for comment or giving the wrong DETR address for representations will cause considerable problems. Once the bye-laws have been advertised and the one month consultation period expired, two copies of the sealed bye-laws and two copies of the unsealed bye-laws are submitted to DETR for confirmation. After confirmation, DETR also asks for a copy of the final printed version made available to the public.

LNRs in the planning framework

The statutory basis for LNR declaration gives a strong foundation for defence against competing land uses - even when these come from within the local authority itself. As a planning tool the LNR designation is under used, although the requirement for a legal interest in the land constrains this. Declaring a LNR gives a

positive use to land which might otherwise be perceived as available for development; 'white land' on the proposals map. Declaration draws attention to the nature conservation interest of the land and to its amenity, educational and/or recreational values.

Government planning guidance (PPG 9 *Nature Conservation* 1994) indicates clearly the priority which local planning authorities are expected to give to nature conservation in their planning work. They are encouraged to take account of nature conservation outside the national network of SSSIs (Para 4) and to include policies relating to the management of important landscape features (which many LNRs are) (Para 23) and to the possible provision of new habitats (Para 24). English Nature wants to encourage local authorities to consider the part LNRs can play in developing a good policy framework for nature conservation in their Structure and Local Plans.

LNRs give local authorities a chance to flag up their commitment to nature conservation and the importance they attach to their own part in it, but a programme of reserve acquisition and declaration should be part of a wider vision. As part of green networks with multiple uses, which give a framework for sustainable development, LNRs should be important nodes of excellence for their wildlife, natural features and interwoven uses for education and values to local society.

There are two closely linked strands here. First, the values which LNRs have in conserving the biodiversity and full range of natural features of England. In 1994, the importance of LNRs was strengthened by their specific mention in Objective 16 of the UK Biodiversity Action Plan - "Encourage local planning authorities to make reasonable provision for Local Nature Reserves and natural green spaces in local plans.....". English Nature's Natural Areas template can help to give structure to and prioritise work here and LNRs and their role will be expressed in any Local Biodiversity Action Plan. Secondly, the values which LNRs hold for society in terms of improving the local quality of life, their uses in education, for enjoyment and recreation, in attracting visitors and in their links with the local community's past.

While the first is more likely to have resonance with English Nature's agenda and the second with the local authority's, English Nature's responses to consultation must take an holistic viewpoint. Although English Nature can, and will, try to persuade local authorities to support its agenda, when it comes to formal consultation over proposals for LNRs the whole sweep of the 1949 Act definition as interpreted here must be the basis for response and not just English Nature's own preferences.

A mechanism for drawing these two strands together is through Local Agenda 21 programmes which can involve local people in defining and delivering gains for wildlife and geology on LNRs, amongst other places, while at the same time serving a wider suite of community needs.

LNRs indeed have an important part to play. The best sites for nature conservation in the local authority's area should certainly be considered for declaration and the vast majority will not be SSSIs. Ideally, an LNR series should contain the best representative examples of the main habitat types for the area, together with a number of additional sites whose distribution over the plan area allows all residents the opportunity of ready access. Individual LNRs may therefore range in type from ancient woodland to re-vegetating abandoned mineral workings; from meadows to road verges; from parts of urban parks to industrial wasteland; and from rivers and streams to lakes and marshes. In managing land under their control and in guiding development and re-development of the area, local authorities should seek to serve the needs both of people and of wildlife and use their powers to declare and manage LNRs as an important integral part of their overall strategy. It is absolutely essential for local authorities to develop policies in Local and Structure Plans which reflect the local and regional importance of LNRs and the weight to be attached to them in the development control process. The boundaries of all LNRs should be shown clearly on the proposals map.

The fact that many LNR wardens will be competent ecologists has the additional advantage to a planning authority in adding to the members of the local authority's own staff to whom they can formally or informally refer proposals which need some ecological comment. Experience shows that this kind of relationship occurs whether or not it is written into the warden's job description.

English Nature's position

English Nature's overall objective is to maintain and enrich the characteristic wildlife and natural features that comprise England's natural heritage. The Natural Areas we have defined give a framework to which these broad objectives can be related. Environmental sustainability and biodiversity are the guiding principles - we should pass on to future generations a heritage at least as rich and diverse and widespread as we inherited. Local Nature Reserves continue to be important in achieving these goals.

We wish to see local authorities use the powers given to them in Section 21 of the National Parks and Access to the Countryside Act, 1949 more extensively than they do at present. LNRs should be an important part of any local authority plan. English Nature staff should encourage declaration of suitable sites as LNRs and help make sure that the right management is given to them.

Free leaflets promoting LNRs, *Nature is your neighbour* and *Windows in time*, are available through the offices of English Nature. The more general leaflet about accessible greenspaces, *A Space for Nature* is also available.

APPENDIX 1 Legislative framework

Statutory provisions and interpretation

A nature reserve is defined in Section 15 of the National Parks and Access to the Countryside Act 1949, as:

‘land managed for the purpose:

- a. of providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area; or
- b. of preserving flora, fauna, or geological or physiographical features of special interest in the area; or for both these purposes.’

Section 21(1) of the same Act authorises county and county borough councils to provide or secure the provision of nature reserves on any land in their area which the councils believe should be managed as a nature reserve. The exclusions in this section (land held by English Nature and land managed in accordance with an agreement entered into with English Nature) were expressly intended to preclude the declaration of LNRs by a local authority over land held as a NNR. Agreements entered into with English Nature as a consequence of Sections 28 and 29 of the Wildlife and Countryside Act 1981, or as a condition of grant aid given under Section 38 of the 1981 Act, do not prevent declaration of that land as a LNR.

District councils now have the same powers to declare nature reserves as county and borough councils. Originally, Section 21 of the 1949 Act gave district councils the power to establish nature reserves, but they required the consent of the county council and the (then) Nature Conservancy before proceeding. Section 184 of the Local Government Act, 1972 gave district and county planning authorities the same powers as those previously conferred on local planning authorities; and Schedule 30 of the 1972 Act repealed Section 21 (2) and (3) of the 1949 Act which related to district councils obtaining the consent of the county council and the Nature Conservancy.

Local authorities may declare LNRs on land which is owned or leased by them, or on land over which they have a formal nature reserve agreement (1949 Act 16). They may use compulsory powers of acquisition (if other methods have failed) for areas of local as well as areas of national interest (1949 Act, 21 (4) and 17 and 18).

Local authorities are defined in the Local Government Act, 1972, Section 270. This says: “*Local authority*” means a county council, the Greater London Council, a

district council, a London borough council or a parish or community council.” While local government restructuring has led to changes in the principal councils’ titles, the broad sweep of the definition is clear. Under Section 101 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 or community council (or indeed to any other local authority). However, although a parish or community council can acquire land as a LNR by agreement, should compulsory purchase be involved then a principal local authority must carry this out on behalf of the parish or community (Sections 124 and 125 of the Local Government Act, 1972). Parish meetings are not local authorities so none of this applies to them.

Freehold, leasehold and agreements all give a legal interest in land which is adequate for a local authority to declare an LNR. The distinction is that freehold and leasehold confer title to land whereas an agreement does not.

Local authorities may enter into agreements with drainage authorities in the execution of any powers available to the councils under the 1949 Act (Section 21 (5)); and may contribute toward the expenditure by the drainage authorities.

Local authorities must consult with English Nature in exercising their functions under Section 21 (1949 Act 21 (6)).

Declaration

County, borough, district and parish councils may make a declaration of a nature reserve over the land that they have acquired and hold (leased or owned) or over which they have an agreement (1949 Act, 21 (4) and 19).

This declaration shall be sufficient evidence that the land is subject to an agreement, or has been acquired and is so held as the case may be (1949 Act 19 (1)).

The declaration shall be conclusive of matters declared (1949 Act 19 (2)). If the agreement should end or the land to which the declaration relates cease to be held by the council, they shall make a declaration of this fact; and such declaration shall be conclusive of matters declared (1949 Act 19 (3)).

Before a LNR is formally declared English Nature asks that the local authority making the declaration gives the opportunity for English Nature to formally welcome the proposal. There is no statutory requirement for this, but we appreciate doing so as a courtesy to the local authority. (See also Appendix 2.)

An act of declaration of a nature reserve can be carried out by the sealing by the council of a legal document. However, nothing in Section 19 demands such formality. In order that the fact may be brought home to the public, certified

copies of any declaration are kept for public inspection free of charge, in the appropriate local authority.

The fact of these copies being available for inspection is advertised, usually by insertion of a public notice in local and, where appropriate, national newspapers. An inclusion among the normal local authority notices in the local press is usually quite adequate. A specimen declaration is included as Appendix 3 and a specimen public notice in Appendix 4, although the format for these can be varied to suit the circumstances.

It is strongly recommended that any document of declaration is attached to or accompanies a map which shows accurately the boundaries of the LNR. This is not a requirement under the 1949 Act but has been adopted by English Nature as best practice in the case of NNRs. It is extremely helpful in determining in the future precisely which areas of land have been declared, and is required in publishing bye-laws. It will also be useful to define the precise boundaries shown on the proposals map.

Bye-laws

Without a declaration under Section 19 of the 1949 Act, the local authority cannot introduce nature reserve bye-laws (1949 Act Section 20 (1)). The matters which may be covered by the bye-laws are set out in sub-section 2 of that section. The bye-laws must not interfere with the exercise by any person of a right

vested in him as owner, lessee or occupier of the land in a nature reserve (1949 Act 29 (2)). Where such interference has occurred, that person shall be entitled to compensation from the local authority (1949 Act, Section 20 (3)). Model bye-laws are set out in Appendix 6. A similar provision for bye-laws is made in The Conservation (Natural Habitats etc) Regulations 1994 for Natura 2000 sites (SACs and SPAs). Where LNRs are also designated as Natura 2000 sites, there is the option to make bye-laws under Statutory Instrument 1994 2716. DETR recommends that where a parish council wants to apply bye-laws it arranges matters through the legal department of a principal local authority.

National Nature Reserves

Although beyond the scope of this document, it should be noted that Section 35 (1) of the Wildlife and Countryside Act 1981 gives English Nature the powers to declare as a NNR any land of national importance to nature conservation which is held by an approved body and managed by them as a nature reserve. There is nothing in this section which precludes a local authority being an approved body. Therefore, where the land concerned is of national importance and is being managed as a nature reserve (informal or statutory) there is the possibility of the NNR label being applied to it while the authority retains direct control over management.

APPENDIX 2 English Nature's internal consultation procedures

Informal consultation between the local authority and English Nature

It is generally useful all round if English Nature's local staff have detailed discussions over individual proposals at an early stage. In many cases it will have been they who raised the possibility of LNR designation with officers of the local authority and this is to be encouraged. English Nature has a lot of experience in managing nature reserves and can advise on management methods and costs from that fund of experience. Although many local authorities employ highly competent ecologists and land managers, or make use of the expertise of Wildlife Trust officers, not all do and English Nature advice will be valuable in such cases.

Local Team staff should be constructive and supportive over proposals and bear in mind that LNRs can have a different emphasis and can serve nature conservation in rather different ways than do SSSIs and NNRs. However, the guidance given in the main text should be borne in mind and, where SSSIs are proposed for declaration, requirements of the Wildlife and Countryside Act 1981 as they relate to SSSIs need to be taken into account in any management proposals.

Although Local Team staff can give a regional/national perspective to any proposal, it should be remembered that the 1949 Act is specific in its reference to land of special interest in the local authority's area (Section 21(1)). Their judgement and comment should be made with this point in mind.

Local Team staff are expected to ensure, in so far as is possible, that the local authority knows and adheres to the proper procedures for declaration. If this is not done, then declaration may be invalid. It is particularly important to ensure that a legal interest is held in the land prior to declaration; that all legally interested persons (eg tenants) are parties to any agreement; and that all of the land concerned lies within the area over which the local authority making the declaration has jurisdiction. Staff are not expected to investigate these matters direct, but are expected to make sure that local authorities are aware of their importance. It could, for example, be the case that a prosecution under bye-laws fails because an invalid declaration has automatically made the bye-laws invalid too.

Formal consultation between English Nature and local authorities

Consultation with English Nature, required under Section 21 (6) of the National Parks and Access to the

Countryside Act 1949 before an LNR can be declared, is deemed to be with Council and not with individual officers.

Council has asked its Local Team Managers to act on its behalf.

A formal letter is sent by the local authority to English Nature's appropriate Local Team Manager outlining the proposal and seeking the views of English Nature. (See Appendix 5).

The Local Team seeks any guidance it needs from Specialist Teams.

Where particularly complex, controversial or innovative proposals are made, the case may be referred by the Local Team to the Executive Committee of Council.

The Local Team Manager confirms to the local authority that consultation is complete. Although Team Managers can couch the rest of the letter in whatever form and in whatever words they feel most appropriate, the substantive part of the letter should begin as follows:

'The Nature Conservancy Council for England confirms that it has been consulted about your proposal to declare. . . [the name of the site]. . . a Nature Reserve under the provisions of Sections 19 and 21 of the National Parks and Access to the Countryside Act 1949 (as amended). The requirement for consultation contained in Section 21 (6) of that Act has therefore been met.'

The Local Team should ask to be informed once the LNR has been declared. This information should be put into the LNRs data-base. An annual update will be made from this for inclusion in the annual report and other relevant documents. In April each year the definitive list of LNRs will be updated.

The Local Team may offer to hold one copy of the authorised document of declaration at their Office for public inspection. There is no requirement for this and the matter is at the discretion of the Local Team Manager and the local authority.

It is not necessary to wait until the last moment to refer the proposal to English Nature. Indeed it may be preferable to refer the proposal at a fairly early stage so that any comments made in response to consultation can be considered in advance of the proposed date of declaration. If this is done, it is wise to ensure that no change to the proposal is made in the intervening period.

APPENDIX 3 Specimen declaration

National Parks and Access to the Countryside Act 1949

No..... Declaration 19.....

In pursuance of Sections 19 and 21 of the above-mentioned Act, and all other powers enabling them in that behalf, the _____ Council hereby declares that the land containing _____ hectares or thereabouts situated in the Parish of _____ in the County of _____ and shown edged _____ on the attached plan (has been acquired by the Council) (is the subject of an Agreement entered into with the Council under Section _____ of the above-mentioned Act)

AND in pursuance of Section 19 (2) of the above-mentioned Act and all other powers aforesaid the Council hereby further declare that the said land is being managed as a Nature Reserve.

This declaration may be referred to as the _____ Nature Reserve No.

Declaration 19...../20.....

SEAL

Given under the Common Seal of the _____ Council this _____ day of _____ One thousand nine hundred and ninety-nine/two thousand and _____

(Signed)

(Signed)

APPENDIX 4 Specimen public notice

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949
DECLARATION OF NATURE RESERVE
PARISH OF _____
COUNTY OF _____

NOTICE IS HEREBY GIVEN in pursuance of Section 19 of the above-mentioned Act that by the Local Nature Reserve Declaration [Ref No], made on the _____ day of _____ 19__/20__ hectares or thereabouts situation in the Parish of _____ in the County of _____ and shown edged _____ on the plan attached to the said Declaration (has been acquired by the Council) (is the subject of an Agreement entered into with the Council under Section _____ of the above-mentioned Act) and that the said land is being managed as a Nature Reserve.

Certified copies of the said Declaration with plan attached have been deposited for public inspection free of charge at the office of _____ at _____ from Monday to Friday inclusive during the normal office hours.

Dated this _____ day of 19__/20__

(Signed)

on behalf of the _____ Council

APPENDIX 5 Checklist of information helpful for consultation with English Nature

It would be helpful for English Nature to have as much information as possible in order to assess proposals quickly and to give constructive advice. There is no statutory requirement to submit this level of detail.

1. Site name.
2. District and County.
3. Proposed declaring authority.
4. Area in hectares.
5. Map on A4 sheet showing site location.
6. Map on A4 sheet showing site boundary (1:10,000 scale as well as larger scales if necessary).
7. Site ownership. Details of local authority's legal interest if not freehold owners.
8. Description of the habitats and species of interest based on a full survey of habitat types. The description should include a map showing the distribution of the main habitat types mentioned. Information about uncommon species should be included where appropriate. The type and scale of current use of the site by schools should be described and also the type and scale of use of the site by the public. Map size and scale to be convenient to the purpose of showing the necessary information.
9. In the case of sites whose interest is primarily for geological features, or where geological features are an important part of the interest, a description with maps/diagrams as necessary is helpful.

10. Description of the value of the site for its natural features.
11. Description of the value of the site to schools (where appropriate).
12. Description of the value of the site as a place in which local people can enjoy contact with wildlife (where appropriate).
13. The features and values described in 8-12 should be placed in the context of the local authority area, preferably as a separate section.
14. Outline of past uses of the site in so far as these are known.
15. Any known constraints on management, eg soil toxicity, way-leaves, tenancies, rights of common, mineral rights separately owned.
16. Purpose of formal declaration as an LNR.
17. **Outline** Management policies/objectives/prescriptions.
18. **Outline** of capital and revenue costs in first year.
19. Staffing proposals for an LNR.
20. Proposed links/liaison with voluntary nature conservation bodies and site users.

In a lot of cases a good deal of this information will be contained in published documents such as nature conservation strategies, local biodiversity action plans, descriptions of regionally important geological sites or in the local authority plans. If this is so, then a photocopy, or reference to the relevant documents if English Nature holds copies, is a sensible short-cut to take.

APPENDIX 6 Model bye-laws

It should be clear that the model bye-laws are a 'pick-and-mix' selection. This set is approved for National Nature Reserves and may be applied to Local Nature Reserves. (NB: The Secretary of State requires evidence of particular need for model-bye-law 3.) In modifying these for Local Nature Reserves, the references to the Nature Conservancy Council for England and to National Nature Reserves should be replaced by references to the relevant local authority and to Local Nature Reserves.

..... National Nature Reserve

The Nature Conservancy Council for England in exercise of the powers conferred upon them by Sections 20 and 106 of the National Parks and Access to the Countryside Act 1949 and of all other powers enabling them in that behalf hereby make the following bye-laws for the protection of the National Nature Reserve at _____ in the Parish of _____ in the County of _____ and the Parish of _____ in the County of _____ [These bye-laws revoke those made by the _____ on (date)]²

1. In these bye-laws:
 - a. "The Reserve" shall mean the pieces or parcels of land containing in the whole hectares or thereabouts and situated in the Parish of _____ in the County of _____ and the Parish of _____ in the County of _____ declared to be managed as a National Nature Reserve by the Declaration dated the _____ day of 19 _____ made by the Nature Conservancy Council for England in pursuance of Section 19 of the National Parks and Access to the Countryside Act 1949 and all other powers aforesaid, and the Reserve is for the purpose of identification shown as nearly as may be on the map annexed to these bye-laws and thereon edged black;
 - b. "The Council" shall mean the Nature Conservancy Council for England; and
 - c. "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968.
2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with the Bye-laws and are necessary to the proper execution of his or her duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

Restriction of access

- i. Entering at any time those parts of the Reserve shown on the attached map or where notice to keep out has been posted by order of the Council.
- ii. Entering any part of the Reserve during the period beginning on the _____ day of _____ and ending on the _____ day of _____ in any year.

Damage to or disturbance of things in the Reserve

- iii. Spreading or using any net, or setting or using any lamp or other instrument or any snare or lure, for the taking, injury or destruction of any living creature.
- iv. Taking, molesting or intentionally disturbing, injuring or killing any living creature.
- v. Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for the shelter or protection of any living creature.
- vi. Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.
- vii. Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

Bringing animals into the Reserve

- viii. Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- ix. Bringing into, or permitting to remain within, the Reserve any dog unless it is kept either on a lead or under proper control, or any other animal unless it is kept under proper control, and is prevented from worrying or disturbing any animal or bird.
- x. Turning out any animal or poultry to feed or graze.

Areas of water

- xii. Committing any act which pollutes or is likely to cause pollution of any water.
- xiii. Bathing or wading in any water in contravention of a notice exhibited beside that water by order of the Council.

- xiv. Water skiing, or other water-based activities or sports, or ice skating.
- xv. Sailing model boats.
- xvi. Propelling (by any means whatever) any boat on an area or stretch of water, other than a public waterway, in contravention of a notice exhibited beside that water by the Council.
- xvii. Mooring or leaving or launching any boat elsewhere than on a beach or mooring site indicated by a notice exhibited by the Council as being available for this purpose.
- xviii. Obstructing the flow of any drain or watercourse.

Use of vehicles

- xix. Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft) elsewhere than on a highway or road, or in a place indicated by a notice as being available for the purpose.
- xx. Operating any aircraft, including hang glider, motorised glider or microlite craft, at such a height that persons on the ground or in buildings may be inconvenienced or annoyed or animals may be disturbed.

Use of certain equipment

- xxii. Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.

- xxiii. Using any device designed or adapted for detecting or locating any metal or mineral.

Use of firearms etc

- xxiv. Being in possession of a firearm, with ammunition suitable for use in that firearm, or discharging a firearm or lighting a firework.
- xxv. Projecting any missile manually or by artificial means (including by means of crossbow or catapult).

General prohibition

- xxvi. Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of

camping elsewhere than in an area indicated by a notice as being available for camping.

- xxvii. Flying any kite or model aircraft.
- xxviii. Erecting any post, rail, fence, pole, stand, building or other structure.
- xxix. Neglecting to shut any gate or to fasten it if any means of doing so are provided.
- xxx. Posting or placing any notice or advertisement.
- xxxi. Selling or offering, or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
- xxxii. Engaging in any activity which is causing or likely to cause a disturbance or holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- xxxiii. Intentionally or recklessly removing or displacing, any notice board, notice exhibited by order of the Council, apparatus, wall, boundary, bank, fence, barrier, railing, post or hide.
- xxxiv. Roller skating, skiing, tobogganing or skate-boarding.
- xxxv. Lighting of any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for camping.
- xxxvi. Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- xxxvii. Intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

Interference with duly authorised officer

- xxxviii. Intentionally obstructing any officer of the Council or any person, or the servant of any person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.
- 3. The shooting of any bird is prohibited in such area adjoining the Reserve as is described in the schedule to these bye-laws.
- 4. i. The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these bye-laws; and

- ii. any such permit shall be issued subject to the following conditions:
 - a. that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
 - b. that it may be revoked by the Council at any time.
- 5. These bye-laws shall not operate so as to interfere with the exercise.
 - i. by a person of:
 - a. a right vested in him or her as owner, lessee or occupier of land in the Reserve;
 - b. any easement or profit a prendre of which he is entitled; and
 - c. any public right of way;
 - ii. of any function of a local authority, statutory undertaker or water undertaking; and
 - iii. by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his or her duty.
- 6. Any person who offends against any of these bye-laws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

NB: This model may be adapted to fit local circumstances, subject to DETR approval. Once approval is given, should later additions to bye-laws become necessary, then the whole set of existing bye-laws must be rescinded and a new set including the additions approved. The DETR will not accept piecemeal additions. The situation is covered by the form of words in square brackets under the opening paragraph of the model.

Draft bye-laws, together with a map showing clearly the area of land covered, should be sent to: Local Nature Reserve Officer, European Wildlife Division, DETR, Tollgate House, Houlton Street, Bristol BS2 9DJ.

In advertising bye-laws make sure that the one month consultation period is specified and the correct DETR address given for representations. Once the consultation period is over two copies of the sealed bye-laws and two copies of the unsealed bye-laws must be submitted to DETR for confirmation.

After confirmation DETR require a copy of the printed version of the bye-laws made available to the public.

APPENDIX 7 Example of a nature reserve agreement

NB. There is no need for so formal an agreement as this. It does, however, show the range of matters which need considering. Any agreement needs to make absolutely clear what is agreed and who is responsible for doing what. So long as the legal advisors of all the parties to the agreement are satisfied, this is all an agreement requires.

Dated 24 October 1974

The Mayor Alderman and Burgesses of the London Borough of Ealing and the Selborne Society Agreement declaring Perivale Wood Middlesex to be Nature Reserve.

An AGREEMENT under the seal dated 24th of October 1974 and made between The Selborne Society Ltd whose registered office is at 2 Greycoat Place, Westminster, London SW1 1SD (hereinafter called "The Society") of the one part and The Mayor, Aldermen and Burgesses of the London Borough of Ealing (hereinafter called "The Council") of the other part.

WHEREAS

- (1) The Society is a Charity registered under the Charities Act 1960 with No. 267635 and the property more particularly described in the schedule hereto and known as Perivale Wood is a separate charity known as "the Gilbert White Memorial" but has been registered as a subsidiary charity of the society (all which property is hereinafter called "the Reserve").
- (2) The Reserve was acquired for and on behalf of the Society firstly by an Indenture of Conveyance of Sale dated the 2nd day of March 1992 made between the Ecclesiastical Commissioners for England (1) and Arthur Holte Macpherson and Julian Sorrel Huxley and Arthur Gilbert Dacre Farrer (2) and secondly, by a conveyance on sale dated the 5th day of November 1931 made between the same parties as were parties to the said Conveyance of 2nd March 1992 and this Deed is supplemental to the said Conveyances.
- (3) By Declarations of Trust dated respectively the 20th day of April 1922 and 26th November 1931 and made between the parties of the second part to the said two conveyances (thereinafter called "the Trustees") of the one part and the Society of the other part (to which this Deed is supplemental) it was recited that the Reserve had been purchased by moneys provided by the Society and the Trustees declared (inter alia) that they held the same property upon trust to use or allow the same to

be sued either as a Nature Reserve or Bird Sanctuary and that the same should be known as the Gilbert White Memorial and the said property should be subject to the control and management of the Bird Sanctuary Committee nominated by the Society or such other committee or persons as should from time to time be nominated by the Society.

- (4) Whereas Sir Julian Sorrel Huxley is the only surviving trustee of the two declarations of trust and at the request of the Society he applied to the Charity Commission for an order vesting the legal estate in the Reserve in the Official Custodian for the Charities and by an order dated the Second day of October 1974 (to which this deed is supplemental) the Charity Commission made the said order.
- (5) The Society and the Council have mutually agreed to enter into this Agreement in accordance with the provisions of Part III of the National Parks and Access to the Countryside Act 1949 as amended.
- (6) The Council have consulted the Nature Conservancy Council which has given its consent to the establishment of the Reserve as a Nature Reserve.

NOW THEREFORE IT IS HEREBY AGREED between the parties hereto as follows:

1. The Council will within 28 days from the date of this Agreement declare the Reserve a Nature Reserve and The Society will manage the Reserve as a Nature Reserve within the meaning of Section 15 of the National Parks and Access to the Countryside Act 1949.

That is to say for the purpose of:

- (a) Providing under suitable conditions and control special opportunities for the study of and research into matters relating to the fauna and flora of Great Britain and the physical conditions in which they live and for the study of geological and physiographical features of special interest in the area.
- (b) To carry out the provisions of the Management Plan at its own expense.
- (c) To provide facilities for properly supervised parties of students and school children to use the Reserve in connection with the purposes described in Clause 1 hereof in such numbers as may be compatible with the achievement of such purposes.

- (d) To establish a Reserve Management Committee which shall be a standing committee of the Society.
- (e) To submit an Annual Report to the Council as to the management of the reserve.
3. The Council shall not be required to give any assistance whether financial or otherwise in the management of the Reserve but may under Section 20 of the National Parks and Access to the Countryside Act 1949 make such bye-laws as they may think fit for the proper control thereof. The Council shall submit a draft of any proposed bye-laws to the Society and shall consider any representations made by the Society in relation to such draft bye-laws.
4. Subject to the provisions of the Town and Country Planning Act 1971 as amended or any enactment replace the same the Council will permit the carrying out of all works necessarily incidental to the purposes described in Clause 1 hereof and will permit the erection of any necessary boards or signs drawing attention to the Reserve or any bye-laws which may be made in relation thereto.
5. This agreement shall continue in force for a term of 21 years and thereafter until determined by either party hereto giving to the other twelve months' notice in writing expiring at any time.

In witness whereof the Common Seals of the parties hereto have been hereunto affixed this 24th day of October one thousand nine hundred and seventy four.

The Schedule above referred to

Firstly the land conveyed by the said conveyance dated 2nd March 1922 being ALL THOSE pieces of land and wood (known as Perivale Wood) situated in the Parish of Greenford in the county of Middlesex containing in the whole Twenty five acres three roods and thirty eight perches or thereabouts and more particularly described in the First Schedule thereto and delineated on the plan annexed to the said Conveyance of 2nd March 1992 and thereon coloured pink.

And secondly all that triangular piece of land conveyed by the said conveyance dated 5th November 1931 being all that land containing three roods or thereabouts situated in the Parish of Greenford in the County of Middlesex bounded towards the North by Perivale Wood aforesaid and coloured pink on the plan drawn in the margin of the said conveyance of 5 November 1931.

THE COMMON SEAL of the SELBORNE SOCIETY LIMITED was hereunto affixed in the presence of:

APPENDIX 8 Suggested heads of terms for an agreement over an SSSI under Section 15 of the Countryside Act 1968

1. Parties
 - 1) English Nature
Northminster House
Northminster Road
Peterborough
Cambs
PE1 1UA
 - 2) Owner(s):

Owners Agent:

Owners Solicitor:
2. Description of the land:

Area: ha (acres) shown edged in green on the attached plan.

Local Authority:

County:
3. Owner's obligations
 - a) To manage the land in accordance with the Agreed Management Policy.
 - b) There will be provision for the Council, its staff and other persons authorised by the Council to have access and enter on to the land, to erect hides, fences and markers, and to take specimens of scientific interest.

Access to the land will be with vehicles along the route marked blue and without vehicles along the route marked brown on the attached plan.
 - c) Not to assign or part with his interest in the land unless his successors agree to abide by the terms of this Agreement.
4. Council's obligations
 - a) To pay the annual consideration.
 - b) To comply with the terms of the Agreed Management Policy.
 - c) To provide identification documents for members of their staff and all persons authorised by the Council.
5. Financial provisions
 - a) £ Per annum to be paid annual in advance.
 - b) There will be provision for either party to require a review of further payments due at intervals of years.
 - c) Short Term Agreements signed

Date(s):

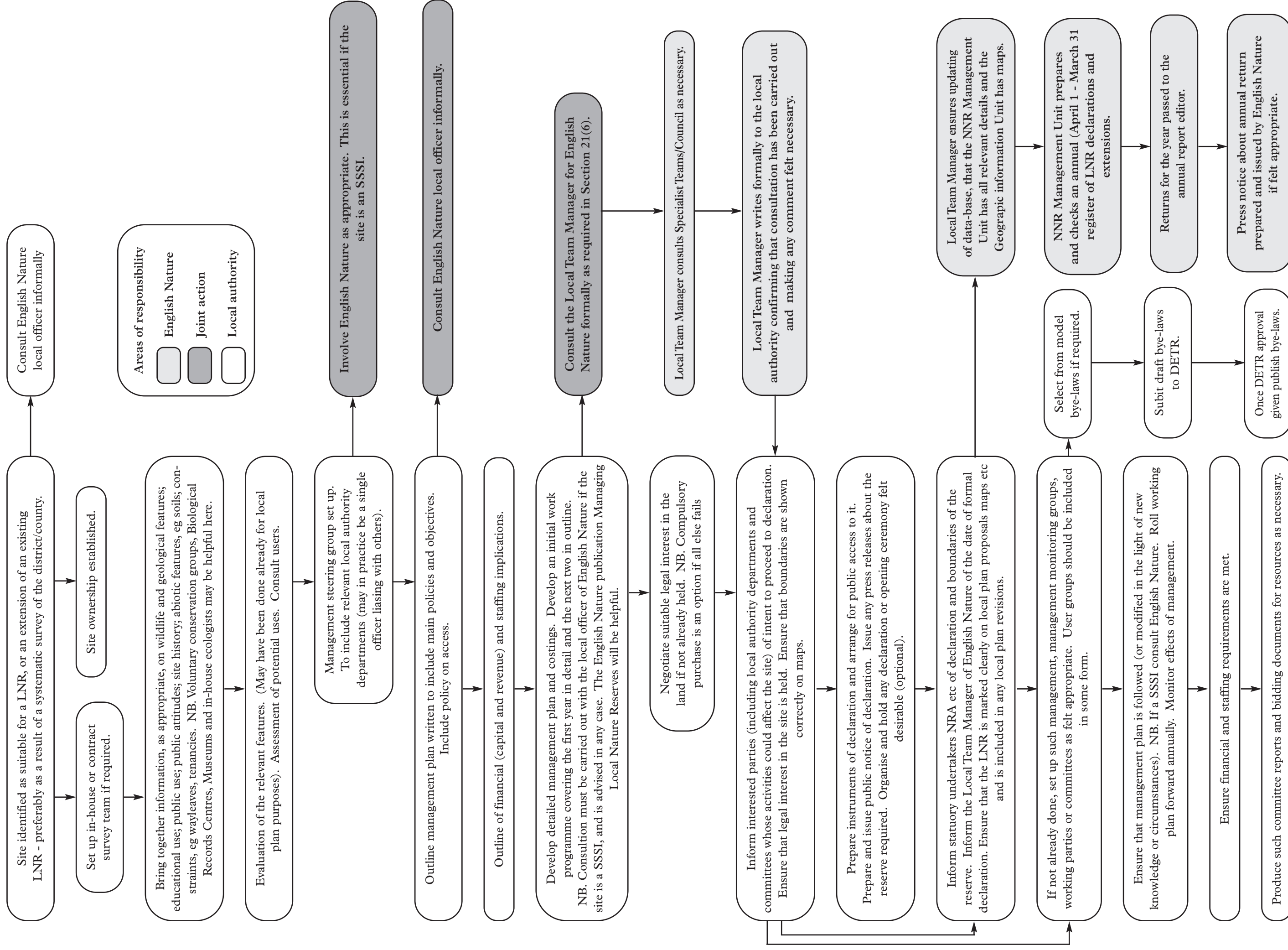
Sum(s) paid:
6. Agreed Management Policy

The land will be managed in accordance with an Agreed Management Policy which may be varied or amended by agreement between the parties.
7. Positive conservation

There will be provision for the Council to repay to the owner the cost of any approved works carried out on the land which are of benefit to nature conservation.
8. Term Years from Except that there will be provision for the Council to terminate the agreement earlier or require its modification if:
 - a) the land ceases to be of scientific interest,
 - b) there is a breach of the agreement by the owner, or
 - c) conditional exemption from Inheritance Tax is granted.
9. Arbitration

There will be provision for arbitration in the event of dispute between the parties.
10. Consultation
 - a) If the owner wishes to consult with the Council he shall apply to:
 - b) If the Council wish to consult the owner they shall apply to:

APPENDIX 9 Recommended procedure



Local Team Addresses



Northminster House
Peterborough
PE1 1UA
Tel: 01733 45-5100/5101/5102
Fax: 01733 455103
e-mail: enquiries@english-nature.org.uk

Beds, Cambs & Northants
Ham Lane House
Ham Lane
Nene Park
Orton Waterville
Peterborough
PE2 5UR
Tel: 01733 405850
Fax: 01733 394093
e-mail: beds.cambs.nhants@english-nature.org.uk

Cumbria
Juniper House
Murley Moss
Oxenholme Road
Kendal
LA9 7RL
Tel: 01539 792800
Fax: 01539 792830
e-mail: Cumbria@english-nature.org.uk

Devon
The Old Mill House
37 North Street
Okehampton
Devon
EX20 1AR
Tel: 01837 55045
Fax: 01837 55046
e-mail: devon@english-nature.org.uk

Cornwall
Trevint House
Strangways Villas
Truro
Cornwall
TR1 2PA
Tel: 01872 262550
Fax: 01872 262551
e-mail: cornwall@english-nature.org.uk

Dorset
Slepe Farm
Arne
Wareham
Dorset
BH20 5BN
Tel: 01929 556688
Fax: 01929 554752
e-mail: dorset@english-nature.org.uk

East Midlands
The Maltings
Wharf Road
Grantham
Lincolnshire
NG31 6BH
Tel: 01476 568431
Fax: 01476 570927
e-mail: ingridg@english-nature.org.uk

Essex, Herts & London
Harbour House
Hythe Quay
Colchester
Essex
CO2 8JF
Tel: 01206 796666
Fax: 01206 794466
e-mail: essex.herts@english-nature.org.uk

London
Ormond House
26-27 Boswell Street
London
WC2 3JZ
Tel: 0171 831 6922
Fax: 0171 404 3369
e-mail: london@english-nature.org.uk

Hants, & Isle of Wight
1 Southampton Road
Lyndhurst
Hampshire
SO43 7BU
Tel: 01703 283944
Fax: 01703 283834
e-mail: hants.iwigt@english-nature.org.uk

Humber to Pennines
Bull Ring House
Northgate
Wakefield
West Yorks
WF1 3BJ
Tel: 01924 387010
Fax: 01924 201507
e-mail: humber.pennines@english-nature.org.uk

Kent
The Countryside Management Centre
Coldharbour Farm
Wye
Ashford
Kent
TN25 5DB
Tel: 01233 812525
Fax: 01233 812520
e-mail: donnah-english-nature.org.uk

Norfolk
60 Bracondale
Norwich
Norfolk
NR1 2BE
Tel: 01603 620558
Fax: 01603 762552
e-mail: norfolk@english-nature.org.uk

North & East Yorkshire
Genesis Building 1
Science Park
University Road
Heslington
York
YO10 5ZQ
Tel: 01904 435500
Fax: 01904 435520
e-mail: york@english-nature.org.uk

Leyburn
Thornborough Hall
Leyburn
North Yorkshire
DL8 5ST
Tel: 01969 623447
Fax: 01969 624190
e-mail: leyburn@english-nature.org.uk

Northumbria
Archbold House
Archbold Terrace
Newcastle upon Tyne
NE2 1EG
Tel: 0191 281 6316
Fax: 0191 281 6305
e-mail: northumbria@english-nature.org.uk

North West
Pier House, First Floor
Wallgate
Wigan
Lancs
WN3 4AL
Tel: 01942 820342
Fax: 01942 820364
e-mail: northwest@english-nature.org.uk

Peak District
& Derbyshire
Manor Barn
Over Hadden
Bakewell
Derbyshire
DE45 1JE
Tel: 01629 815095
Fax: 01629 815091
e-mail: sues@english-nature.org.uk

Somerset & Avon
Roughmoor
Bishop's Hull
Taunton
Somerset
TA1 5AA
Tel: 01823 283211
Fax: 01823 272978
e-mail: suef@english-nature.org.uk

Suffolk
Regent House
110 Northgate Street
Bury St Edmunds
Suffolk
IP33 1HP
Tel: 01284 762218
Fax: 01284 764318
e-mail: suffolk@english-nature.org.uk

Sussex & Surrey
Howard House
31 High Street
Lewes
East Sussex
BN7 2LU
Tel: 01273 476595
Fax: 01273 483063
e-mail: sussex.surrey@english-nature.org.uk

Thames & Chilterns
Foxhold House
Crookham Common
Thatcham
Berkshire
RG19 8EL
Tel: 01635 268881
Fax: 01635 268940
e-mail: thames.chilterns@english-nature.org.uk

Three Counties
Bronsil House
Eastnor, Nr Ledbury
Herefordshire
HR8 1EP
Tel: 01531 638500
Fax: 01531 638501
e-mail: three.counties@english-nature.org.uk

West Midlands
Attingham Park
Shrewsbury
Shropshire
SY4 4TW
Tel: 01743 709611
Fax: 01743 709303
e-mail: adhewens@english-nature.org.uk

Banbury
10/11 Butchers Row
Banbury
Oxon
OX16 8JH
Tel: 01295 257601
Fax: 01295 275180

Wiltshire
Prince Maurice Court
Hambleton Avenue
Devizes
Wiltshire
SN10 2RT
Tel: 01380 726344