

# REPORT FOR DECISION

**MEETING:** Planning Control Committee

**DATE:**

**SUBJECT:** Kirklees Valley: Declaration of Local Nature Reserve

**REPORT FROM:** Chief Planning Officer

**CONTACT OFFICER:** Paul Robinson, Local Nature Reserves Officer

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**TYPE OF DECISION:** COUNCIL OR EXECUTIVE  
For information only

**FREEDOM OF INFORMATION/STATUS:** This paper is within the public domain

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**SUMMARY:**

**In 1997 the Council adopted a target, recommended by the Countryside Commission, to declare 1 hectare of Local Nature Reserve ( `LNR` ) per 1000 residents. Since then 4 sites have been declared and the Borough now has 0.7 ha per 1000.**

**In 2006 the Council acquired 35.07 ha of land in the Kirklees Valley through a section 106 agreement and established a Friends group to plan the improvement of the site.**

**The Friends group, which includes members of Brandlesholme Residents Association and Tottington Civic Society, is fully supportive of LNR declaration for the valley and it is now proposed that declaration proceed. Declaration of the Kirklees Valley would take the figure to 0.9 ha per 1000.**

**Natural England has been consulted on the proposal and is fully supportive of the LNR designation for the site.**

**OPTIONS & RECOMMENDED OPTION** The Planning Control Committee is asked to note the progress being made towards the Council's LNR declaration target and to authorise the Council Solicitor

to affix the common seal of the Council to 'The Kirklees Valley Local Nature Reserve Declaration 2010' in the form annexed hereto and take steps to secure publication of a press notice confirming that this has been done.

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**IMPLICATIONS:**

**Corporate Aims/Policy Framework:** Do the proposals accord with the Policy Framework? Yes  No

**Financial Implications and Risk Considerations:** N/A

**Statement by Director of Finance and E-Government:** N/A

**Equality/Diversity implications:** Yes No

**Considered by Monitoring Officer:** Yes Comments

**Are there any legal implications?** Yes  No  
(see paragraph 2.2 )

**Staffing/ICT/Property:**

**Wards Affected:**

**Scrutiny Interest:**

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**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

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**1.0 BACKGROUND**

1.1 In 1997 the Council responded to a recommendation from the government advisory body, the Countryside Commission, by adopting a target of creating 1 hectare of Local Nature Reserve ('LNR') per 1000 residents. The aim was to improve access to natural green spaces without the need to travel great distances to visit them.

- 1.2 In 1999 the Council declared its first LNR at Philips Park in Whitefield/Prestwich and in the same year was also successful in a bid for funding for a 'Wildspace' Project to develop a programme of declaration and improvement of LNRs in the Borough. This included funding for a project officer.

## **2.0 ISSUES**

- 2.1 Prospective LNR sites have to be approved and supported by the Countryside Commission's successor, Natural England and there are a set of criteria that any proposed site must fulfil to be declared as a local nature reserve. Currently there are four LNR sites in the borough - Philips Park, Chesham, Hollins Vale and Redisher Wood. The declaration of Kirklees Valley LNR will bring the Council close to the recommended target whilst protecting the natural features within the proposed Kirklees Valley LNR area from suffering any ecological damage.
- 2.2 A statutory process must be followed to enable the declaration of a Local Nature Reserve. Such a declaration is made by the Council under sections 19 and 21 of the National Parks and Access to the Countryside Act 1949. The declaration of land as a LNR is a commitment by the Council to manage the site in a manner that will protect the natural features from any substantial damage. In Bury, the Local Nature Reserves Officer and the Parks and Countryside Section are already managing the sites with this aim and looking at ways to improve the access, biodiversity and recreational experience for their users.
- 2.3 The Council's landholding in the Kirklees Valley was acquired through an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and has a capitalised maintenance sum attached to it. The site includes former industrial land, mixed woodland, meadow and wetland habitats. The area lies between Brandlesholme Road and Tottington Road and is south of Greenmount. It is all in the green belt, much of it is a Site of Biological Importance and most is identified for development for informal recreation in the Unitary Development Plan. The proposed site for the Kirklees Valley LNR is set out in the draft declaration annexed hereto and is outlined in red on the map which accompanies it.
- 2.4 The option of declaring the s106 land as a Local Nature Reserve has been discussed with and is widely supported by the local community including the Friends of Kirklees Valley, Brandlesholme TRA and the Tottington and District Civic Society, amongst others.
- 2.5 The declaration process requires the Council to execute a formal declaration document together with publication of notice in the local press confirming that the declaration has been made. Members are therefore asked to authorise the Council Solicitor to affix the common seal of the Council to 'The Kirklees Valley Local Nature Reserve Declaration 2010' and publish notice in the local press confirming that this has been done.

## **3.0 CONCLUSION**

- 3.1 The Kirklees Valley s106 land has been accepted by Natural England for LNR declaration and such action is supported by local community groups. Declaration is in accordance with planning policy and within the powers of the Local Authority. Declaration would also take the Council close to its long-term LNR target. Members are therefore asked to authorise the Council Solicitor to proceed with declaration as outlined above.

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**List of Background Papers:-**

**Contact Details:-**

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