

# Mini Nature Reserves

Councillor Janice Silvester-Hall - Cabinet Member for Visitor Economy, Ecology & Climate Change

Councillor Phil Whitehouse - Cabinet Member for Operational Services, Parks & Waste



Lichfield  
District Council

Date:	04/12/2024
Agenda item:	Lease of two sections of park land for creation of mini nature reserves
Contact officer:	Alex Lane & Simon Fletcher
Tel number:	01543 308177
Email:	<a href="mailto:alex.lane@lichfielddc.gov.uk">alex.lane@lichfielddc.gov.uk</a> <a href="mailto:Simon.Fletcher@lichfielddc.gov.uk">Simon.Fletcher@lichfielddc.gov.uk</a>
Key decision?	YES/
Local ward members	Cllr Andrew Smith, Cllr Jamie Checkland, Cllr Richard Henshaw for Leomansley ward and Cllr Diane Evans, Cllr Paul Taylor and Cllr Sharon Taylor for Boney Hay & Central ward

**CABINET**

## 1. Executive summary

- 1.1 This paper proposes the introduction of two mini nature reserves in our district, hopefully the first of several that we will seek to introduce over the coming years. It is proposed the two mini nature reserves be established in Beacon Park, Lichfield, and in Redwood Park, Burntwood.
- 1.2 There are a number of reasons for the proposal:
  - a) To enhance biodiversity and residents' access to more natural spaces, in line with the objectives of our Lichfield District 2050 Strategy.
  - b) To offset / replace biodiversity lost as a result of housing growth and development in the district.
  - c) To enable income to be generated through a new Ecology Brokerage service established in the council's wholly owned company, LWMTS Limited (known as LWM) that will be reinvested to fund site specific long-term maintenance and other Council priorities in line with our Lichfield District 2050 Strategy.
- 1.3 LWM will be given the responsibility to establish and provide long-term maintenance such as weeding, litter picking and any remedial works for the two mini natures reserves. The company will also work with developers, developing the habitats to give biodiversity benefits to compensate for losses on development sites, ensuring that when a development damages nature (and this damage cannot be avoided or mitigated) new nature sites will be created.
- 1.4 The council will either enter into a management agreement or, if that is not possible, lease the land to LWM, over a 40-year period as required to fully implement the mini nature reserves' Habitat Management and Monitoring Plan (HMMP).
- 1.5 The council will retain an important role in the long-term management of the areas; as the HMMP requires regular (annually at first, then every 5 years) monitoring reports to be submitted to the council as the enforcement body. The council will be able to review these monitoring reports, delivery against the plan, and the company will need to agree any remedial works required to bring the plan back on track.

## 2. Recommendations

- 2.1 That Cabinet agree in principle two, forty-year, arrangements (leases or management agreements) on sections of Beacon Park and Redwood Park, for the delivery of biodiversity enhancement works.
- 2.2 That Cabinet delegate the final decision to the Cabinet Member for Operational Services, Parks & Waste in consultation with the Director for Resident and Business Services and Monitoring Officer following the relevant consultation process and consideration of any objections.
  - In the event that the arrangements are leases, authority be delegated to the Cabinet Member for Operational Services, Parks & Waste and Cabinet Member for Visitor Economy, Ecology & Climate Change in consultation with the Director for Resident and Business Services to agree the content subject to any financial implications being funded from Approved Budgets.

## 3. Background

- 3.1 The Lichfield District 2050 Strategy sets an ambition for our district to be a place where people across the UK aspire to live. The strategy identifies four priority areas under which we have set a series of objectives and targets to be delivered between now and 2050.
- 3.2 One of the four priority areas is 'Green Communities', which sets an objective for Lichfield district to be the greenest district in the country. This objective sets the argument that we need nature, and it is worth repeating some of the text from the priority theme here:
  - *Healthy green spaces can clean our air, water, soil, and future-proof farming. Restoring nature is therefore vital for our future and economy, whilst providing invaluable spaces for wildlife to thrive and people to enjoy.*
  - *96% of respondents to the 'Together We...' consultation said the environment was important to them. For children and young people in our district, this is a real priority. Climate change is the most critical challenge we face, we recognise a need to radically re-think how the district works and lives to become carbon neutral by 2050.*
  - *We will lead by example as a District Council, transforming our own operations. We will influence and encourage our partners, businesses, and residents to do their part, and work alongside them to reduce and reverse the implications of climate change we already experience. This will include working in partnership to create greener homes across the district, supporting sustainable development and encouraging new and emerging green industries.*
- 3.3 Green Communities are committed to the whole of the environment not just climate change; they have strong wildlife recovery, vibrant biodiversity, development that protects and enhances nature, and networks of sustainable travel routes connecting communities.
- 3.4 Through the strategy we commit to working to incorporate consideration for the climate and environment across all our operations and agree priorities for nature recovery locally where we will map and outline projects to create and improve habitat for nature and wider environmental goals.
- 3.5 The key outcomes for the Green Communities theme state that by 2050 we will be a district where:
  - Carbon neutrality is achieved district-wide, reducing the impact and implications of climate change on the district
  - Housing across the district, both new and old, supports our ambitions to be the greenest district in the country

- Nationally, we are renowned for enhancing and protecting our natural environment
- Lowland heathland and associated habitats connecting Cannock Chase to Sutton Park are restored
- **Two new nature reserves, a series of pocket parks and wildlife ponds have been introduced**
- Living green spaces on roofs, walls and bus stops have been introduced and increased
- The tree canopy across the district has been extended and more street trees are introduced to our urban areas
- River restoration has been explored and introduced, connecting rivers and waterbodies back to floodplains
- Species with local provenance have been reintroduced i.e., white-clawed crayfish, water voles, other scarce species.

3.5 This paper proposes the introduction of two mini nature reserves, as a step towards the key outcomes.

3.6 The establishment of the two mini nature reserves provides an added benefit, the ability for the Ecology Brokerage established in LWM to offer, at a fee, these newly formed habitats as a biodiversity benefit which developers can access to compensate for losses on development sites, achieving an overall net gain of biodiversity for the district.

### **What is proposed.**

3.7 It is proposed that two mini nature reserves be established: one within Beacon Park and one within Redwood Park. The proposed measures set out below are compatible with the emerging vision documents for the two parks and have been designed in conjunction with that process.

3.8 For Beacon Park, the intention is to turn the unplayable section of the golf course into a 'mini nature reserve', in order to boost biodiversity. The broad outline of the woodland copses and areas of grass would remain; but the management of them would be changed in order to encourage more wildflowers to establish within the grass areas. It would need to still be accessible to the public of course, and so walkways would be mown through the mini nature reserve; allowing people to access this more natural setting.

3.9 For Redwood Park, the plans build on the Habitat Havens established on the large sloping bank earlier this year. Most of the area of the park would remain neatly mown; but the management of it would be tweaked in order to encourage more wildflowers to establish. The source of these flowers would be the current Habitat Havens, which would be stripped and sown with a biodiverse mix. It would need to still be accessible to the public of course, and the intention is for the more 'protected' (wildflower) areas to take up as little of the recreation space as possible.

### **How will the mini nature reserves be managed.**

3.10 In order for the necessary works (establishment and long-term maintenance such as weeding, litter picking and any remedial works) to be cost neutral, the intention is for the council to enter into arrangements (management agreements or leases) for these two parcels of land with our wholly owned trading company, LWM. LWM will then be responsible for raising the necessary funds and implementing the mini nature reserves' Habitat Management and Monitoring Plan (HMMP).

3.11 The term of the management agreement / lease will need to be 40 years, in order to allow time for implementation of the HMMP.

3.12 Once the HMMP is agreed, and legally secured by a Section 106 agreement, the sites can be entered onto Natural England's Register of Biodiversity Gain Sites. At this point, the increase in Biodiversity Units associated with the habitat enhancement works (as measured by the DEFRA metric) can be sold

to developers. LWMTS have already received multiple enquiries from potential buyers. After initial costs, LWMTS will ring-fence delivery budgets for the two sites, securing delivery for the 40-year term.

**What is a Habitat Management and Monitoring Plan (HMMP)**

- 3.13 A habitat management and monitoring plan (HMMP) is a detailed plan that outlines how the land will be managed over at least 30 years to:
- create and enhance habitats for biodiversity net gain (BNG)
  - manage and monitor the BNG
- 3.14 It follows a set format, designed by Natural England. The HMMP details the baseline condition of the habitats currently found on site, and the measures required in order to either change the habitats or improve their condition. It sets out a programme of works over a 30-year period, key indicators for monitoring delivery against that programme, a register of risks and outline remedial measures appropriate to those risks.

<b>Alternative options</b>	Do nothing. This will result in the council not achieving the ambitions set out in Lichfield District 2050, and potentially an overall loss of biodiversity in the district as a result of development.
<b>Consultation</b>	<p>The local ward members listed above were contacted on the 4<sup>th</sup> of October, in order to inform them of the proposal and request their input into the plans. Following initial responses (all of which were supportive), site visits at the two parks were arranged with Councillors Andrew Smith, Jamie Checkland and Diane Evans; to talk through and look at the proposals. Feedback from the ward members was used to inform the project design, and the initial draft of this report. Following discussion of the proposal at pre-Cabinet on the 19<sup>th</sup> of October, the ward members were provided with an updated draft of this report; which all 6 members have confirmed they support. The environmental objectives were uniformly welcomed. In addition, the members for Leomansley ward welcomed the addition of a more ‘natural’ setting so close to Lichfield City centre, while the members for Boney Hay &amp; Central ward highlighted the opportunities for education (tie-ins with local schools etc) and this being a very visible investment in improving Redwood Park.</p> <p>Under section 123 of the Local Government Act 1972, the local authority needs to conduct public consultation prior to agreement of long leases, and to give genuine consideration to any/all objections. The council must be able to demonstrate that it has considered these objections with an open mind. The request at this stage is for the Cabinet to agree the proposal in principle; subject to public consultation. It is also requested that the Cabinet delegate the final decision (and authority to agree the content of the leases if they proceed) to the Cabinet Member for Operational Services, Parks &amp; Waste and Cabinet Member for Visitor Economy, Ecology &amp; Climate Change in consultation with the Director for Resident and Business Services and Monitoring Officer following consideration of any objections</p>
<b>Financial implications</b>	<ul style="list-style-type: none"> <li>• The purpose of this proposal is to provide nature improvements on LDC land, at no cost to the Council. All income and expenditure associated with</li> </ul>

	<p>the habitat enhancement works will lie with LWMTS, ensuring no on-going financial liabilities for the Council.</p> <table border="1"> <thead> <tr> <th></th> <th>Management Agreement</th> <th>Lease</th> </tr> </thead> <tbody> <tr> <td>Annual Income to the Council</td> <td>TBA – this is also likely to be a nominal or low value.</td> <td>£1 peppercorn rent (due to the lack of interest from the wider market).</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Potential efficiency opportunities will be actively explored over the term of the lease, such as opportunities for any equipment purchased by LWMTS to be available for use by the Parks and/or Ground Maintenance teams.</li> </ul>		Management Agreement	Lease	Annual Income to the Council	TBA – this is also likely to be a nominal or low value.	£1 peppercorn rent (due to the lack of interest from the wider market).
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Annual Income to the Council	TBA – this is also likely to be a nominal or low value.	£1 peppercorn rent (due to the lack of interest from the wider market).					
Approved by Section 151 Officer	Yes						

Legal implications	<ul style="list-style-type: none"> <li>Such enhancement works require the agreement of a 40-year Habitat Management &amp; Monitoring Plan (HMMP), which must be legally secured by a Section 106 agreement (s.106). As the enforcing body, it is not possible for LDC to enter into a s.106 with itself; hence the need for the enhancement works to be undertaken by another organisation (LWMTS).</li> <li>Under the regulations the minimum term is 30 years. In order to allow for any delays in agreeing and implementing the HMMP, it is proposed that a lease term/management agreement of 40 years be used. This will also allow for future amendments to the HMMP, in order to further enhance these sites for biodiversity (beyond the measures initially agreed).</li> <li>There are procedural requirements to be complied with on a disposal/long term lease of open space under section 123 of the Local Government Act 1972. A local authority is required to advertise its intention for two consecutive weeks and to consider objections (see consultation above).</li> </ul>
Approved by Monitoring Officer	Yes

Contribution to Lichfield District 2050	<a href="#">Lichfield District 2050</a> specifically includes the implementation of projects to create and improve habitat for nature; which is the purpose of this proposal.
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Data assessment	No relevant metrics on the <a href="#">social progress index</a> have been identified with respect to this proposal.
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Equality, diversity and human rights implications	No anticipated impacts.
EIA logged by Equalities Officer	Equalities Officer confirmed not required.

Crime & safety Issues	No anticipated impact on our duty to prevent crime and disorder within the district (Section 17 of the Crime and Disorder Act, 1988).
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Environmental impact (including climate change and biodiversity)	The proposal will increase and protect biodiversity on two sections of LDC land, as measured by the DEFRA metric.
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GDPR / privacy impact assessment	No GDPR/privacy impacts have been identified.
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	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Risk of complaints from residents, should they feel that the parks are not being properly maintained.	Likelihood: Yellow Impact: Yellow Risk: Yellow	Effective communication of the plans, so that residents understand the purpose of the works, and that they are part of a long-term management strategy.	Likelihood: Green Impact: Green Risk: Green
B	Risk of conflicts between desired future uses of the parks and the commitments made in the HMMP	Likelihood: Yellow Impact: Yellow Risk: Yellow	Collaboration between LWMTS and the Council team producing the vision documents for these parks will ensure that no such conflicts arise.	Likelihood: Green Impact: Green Risk: Green
C	Risk of damage to adjacent park areas by any external contractors used to implement habitat works	Likelihood: Yellow Impact: Yellow Risk: Yellow	Parks team to agree access routes and method statements before they allow contractors access through the park.	Likelihood: Green Impact: Yellow Risk: Green
D				
E				

Background documents	
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Relevant web links	The proposed arrangement is not entirely novel. Last year Plymouth City Council set up their own trading company, specifically to deliver this type of project ( <a href="https://www.theplanner.co.uk/2023/10/16/plymouth-establishes-green-bank-so-bng-requirements-benefit-city">https://www.theplanner.co.uk/2023/10/16/plymouth-establishes-green-bank-so-bng-requirements-benefit-city</a> )
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