

Report to: Cabinet

Date of Meeting: 3rd February 2020

Report Title: Local Nature Reserves - Byelaws

Report By: Mike Hepworth, Assistant Director, Environment and Place

Purpose of Report

To outline the procedure for approval of byelaws for Local Nature Reserves in the Borough of Hastings.

Recommendation(s)

- 1. To recommend to Full Council that the following byelaws are made , Filsham Reedbeds Nature Reserve, Marline Valley Nature Reserve, Hastings Country Park Nature Reserve, St Helens Wood Nature Reserve, Church Wood and Robsack Local Nature Reserve, Summerfields Nature Reserve and Old Road Gill Nature Reserve**
- 2. Following Cabinet and Full Council approval to make the byelaws, delegate to the Chief Legal Officer responsibility for following due legal process as outlined by the Department for Environment, Food and Rural Affairs for confirmation of the byelaws for Local Nature Reserves.**

Reasons for Recommendations

Local Authorities can create Local Nature Reserve byelaws to help stop people damaging the reserve and harming its wildlife. Adopting byelaws will help the council safeguard the reserves from damage.

Introduction

1. Byelaws are a way of safeguarding nature reserves from damage. The proposed byelaws aim to bring all our nature reserves under one set of consistent byelaws together with their current boundaries.
2. There are eight Local Nature Reserves (LNRs) in the borough; Hastings Country Park Nature Reserve, Pondswood Nature Reserve, Churchwood and Robsack Wood Nature Reserve, Summerfields Wood, Marline Valley Nature Reserve, Filsham Reedbeds Nature Reserve, Old Roar Gill and Coronation Wood Nature Reserve and St. Helens Woods Nature Reserve.
3. Seven of the reserves are owned by Hastings Borough Council. St Helens Woods are owned by the St Helens Park Preservation Society.
4. Pondswood was designated a Local Nature Reserve after the public consultation relating to these byelaws proposals were completed and cannot be included in this byelaw process. We will bring Pondswood LNR byelaws proposals forward for approval at a later date after this has been consulted upon.
5. Four Local Nature Reserves currently have byelaws; Filsham Reedbeds which were made by Hastings Borough Council on 25th July 1983; Hastings Country Park, made on 28th June 1974; Marline Woods, made on 12th February 1993 and St Helens Wood on 31st March 1994. These will be revoked and replaced by the new draft set of byelaws.

Creating byelaws for Local Nature Reserves

6. The Department for Environment, Food and Rural Affairs (DEFRA) set out a procedure for the creation of byelaws for Local Nature Reserves. They published a set of model byelaws for authorities to consider when creating their own byelaws. Any deviation from the model byelaws has to be approved by DEFRA.
7. The draft byelaws for our Local Nature Reserves were subject to public consultation from December 2014 until the end of February 2015. We received 8 responses which were points of clarification. There were no objections.
8. Following consultation the council was required to send the draft byelaws to Natural England for comment and then to the Secretary of State for Environment Food and Rural Affairs.
9. It has taken until this year to obtain provisional approval from DEFRA. The delay has been due to significant numbers of staff changes in both Natural England and DEFRA, with each change in staff compounding the delay with further comments and queries.
10. The council, through the Chief Legal Officer, lodged an official complaint in 2019 to DEFRA over the unacceptable delay.

Equalities and Community Cohesiveness

11. The byelaws were subject to full public consultation. All feedback received was considered in drafting the final set of byelaws.

Crime and Fear of Crime

12. The implementation of byelaws is intended to reduce anti-social behaviour and protect wildlife.

Environmental Issues

13. Byelaws for nature reserves are intended to reduce activities that could harm habitats and wildlife in our protected nature areas of the borough.

Local People's Views

14. The byelaws were subject to full public consultation. All feedback received was considered in drafting the final set of byelaws. No objections were received. The proposed Byelaws will be subject to a further period of consultation where representations can be made to the Secretary of State for Environment Food and Rural Affairs prior to adoption.

Procedure for adoption

15. The draft byelaws are presented to Cabinet for their endorsement. Following Cabinet's endorsement they will be presented to Full Council for approval to be made.
16. Subject to approval by Full Council the council will;
- Make the byelaws on 13th February 2020 and seal and sign;
 - Advertise in the local press the fact that the bye laws have been made, giving members of the public one month within which they can comment to the Secretary of State;
 - Consider and respond to any comments from the public passed on from DEFRA;
 - Apply to the Secretary of State for Environment and Rural Affairs for confirmation of the byelaws by sending 2 sealed and signed copies of each byelaw.

Timetable of Next Steps

17. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
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Byelaws made	Approvals by Full Council	12 th February 2020	Full Council
Publish Public Notice in local press	One month period on deposit at TIC	14 th February – 14 th March 2020	Chief Legal Officer
Send byelaws to DEFRA	Confirmation and effective date by DEFRA	April 2020	Chief Legal Officer and DEFRA

Wards Affected

All

Implications

Relevant project tools applied? Not applicable

Have you checked this report for plain English and readability? Yes

Climate change implications considered? No implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	yes
Crime and Fear of Crime (Section 17)	yes
Risk Management	no
Environmental Issues	yes
Economic/Financial Implications	no
Human Rights Act	no
Organisational Consequences	no
Local People's Views	yes
Anti-Poverty	no

Additional Information

Proposed byelaws for each of the Local Nature Reserves

Officer to Contact

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