

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet Member and Advisers for Regeneration and Development</b>
2.	<b>Date:</b>	<b>Monday 2nd September 2013</b>
3.	<b>Title:</b>	<b>Local Nature Reserve status for Centenary Riverside</b>
4.	<b>Programme Area:</b>	<b>Environment and Development Services</b>

### 5. Summary

This report seeks approval to proceed in pursuance of Section 21 of the National Parks and Access to the Countryside Act 1949 to declare Centenary Riverside as a Local Nature Reserve.

### 6. Recommendations

- That formal declaration of Centenary Riverside as a Local Nature Reserve should be approved;
- That approval be given to announce the declaration in accordance with Natural England guidelines;
- That approval be given to formally notify Natural England of the Local Nature Reserve declaration.

### 7. Proposal and Details

Natural England define a Local Nature Reserve (LNR) as a protected area of land designated by a local authority because of its local special natural interest and, where possible, educational and community value. LNR sites must be controlled by the local authority through ownership, lease or agreement with the owner. The main aim must be to care for the natural features which make the site special.

An approach has been received from Natural England for new Local Nature Reserve proposals; Rotherham MBC already has seven declared reserves but it is felt that Centenary Riverside would be a suitable addition. Natural England has viewed the site information and management plan and has provided a formal letter of support for the declaration proposal (can be viewed on request).

Suitability of the site for the LNR declaration is summarised below:

- Centenary Riverside is an urban wetland nature park and is part of Rotherham's pioneering flood alleviation scheme on the River Don. The site was constructed between 2008 and 2010 on derelict former industrial land. Covering 4.5 hectares the site consists of planted wet woodland, dry woodland, meadows and naturally regenerated wetland habitats, which have been designed to maximise biodiversity and educational value.

- Centenary Riverside provides flood storage capacity and mitigation to help protect Rotherham from serious flooding from the River Don. The site contributes significantly to the green infrastructure of Rotherham providing a 'stepping stone' for wildlife in the river corridor, which includes the nearby Blackburn Meadows Nature Reserve, and helping the area adapt to elements of climate change.
- Centenary Riverside contains no formal public rights of way but has open public access and a network of hard standing and soft paths, which are suitable for pushchair and wheelchair use, runs through the site. The site provides value for the local community with a varied range of informal outdoor recreation opportunities and it is hoped that it will, in future, become a centre for the delivery of high quality non accredited training, environmental training and outdoor learning for local communities.
- Rotherham Metropolitan Borough Council owns the site freehold. The Wildlife Trust for Sheffield and Rotherham has leased the land from Rotherham MBC for 99 years (commencing in April 2009). The Trust has produced a management plan for the establishment period 2010-2015; the plan will be refreshed at this point to guide further management. Management activity is currently funded via the investment of the dowry provided by Rotherham MBC with the lease agreement; additional funds have also been raised from external funders and via s106 agreements in relation to nearby development. The Trust administers a Reserve Advisory Group for the site; meeting 2-3 times per year the group includes members of the public as well as Trust and RMBC representatives and aims to increase public involvement in the site.

Due to the site's position within a flood defence scheme the Environment Agency has been consulted on this proposal. The response provided support for the proposed designation. The EA requested that Members be given clarification on the flood defence assets present on site and on the EA operational need for access and maintenance. The assets present consist of impermeable clay facing to the embankment to the back (north) of the site and a flood release mechanism into the site in its south western corner from the adjacent River Don. An access route to the flood release mechanism was constructed as part of the original works.

The Wildlife Trust for Sheffield and Rotherham are fully aware of the EA assets and access requirements and manage the site in accordance with them. The EA has confirmed that their operational needs should not have any significant affect on the sites function as a nature reserve.

The Local Nature Reserve declaration process involves the following:

- a. The production of a formal declaration document with a map showing the site boundary; a draft document, using Natural England's format is attached as Appendix One;
- b. The principle of declaration to be agreed by the relevant local authority committees; in this case by way of a report to the Cabinet Member for Regeneration and Development as the site is vested in the Planning and Regeneration Service, although it is proposed that the Cabinet Member for Health and Well-being is also briefed regarding the proposal as responsibility for biodiversity falls within this portfolio;

- c. The declaration documents to be signed and sealed by an appropriate representative of Rotherham MBC;
- d. A public notice announcing the declaration to be placed in a local paper and copies of the declaration and map made available for the public to inspect free of charge; information also to be sent directly to adjacent landowners; a draft notice is attached as Appendix Two;
- e. Formal notification to be made to the Natural England regional team of the LNR declaration in writing and send them a copy of the declaration, together with maps and any other details required about the reserve.

Proposal:

That the above process and prepared documents are found agreeable and that approval is given to proceed with the declaration of Centenary Riverside as a Local Nature Reserve.

## **8. Finance**

The cost of the LNR declaration would involve officer time to prepare and circulate the documents, update RMBC mapping and work with the site's management team to promote the LNR status.

Funding may be needed to include the appropriate Notice in the local papers (Rotherham Advertiser and The Star).

Additional funding may be sought at a later date for the provision of appropriate signage and promotional information; external funding sources would be investigated.

## **9. Risks and Uncertainties**

Local Nature Reserve is a statutory designation; it is a very clear signal to a local community of the local authority's commitment to nature conservation. The definition of an LNR is land managed as a nature reserve or for a conservation purpose, implying that LNR sites are managed. When local authorities declare an LNR they take on the duty of care to manage and look after the site. In this case the commitment to long-term management is demonstrated by the lease agreement with Sheffield Wildlife Trust and the provision of the management dowry.

Local Nature Reserves are usually considered unsuitable for development and development proposals likely to affect a LNR need to be considered by Natural England within the planning process. However, Centenary Riverside is within the Environment Agency defined Floodzone 3 and, as such, is not appropriate for development.

## **10. Policy and Performance Agenda Implications**

The declaration and management of nature reserves helps the Council demonstrate compliance with its Biodiversity Duty under s40 of the Natural Environment and Rural Communities Act 2006.

The 2012 National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. In Rotherham this requirement is reflected in the current consultation version of the Rotherham Local Plan: Core Strategy which states that priority will be given to [among other things] ... supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation.

**11. Background Papers and Consultation**

- Management Plan for Centenary Riverside: April 2010 – March 2015 (The Wildlife Trust Sheffield & Rotherham)
- Templeborough to Rotherham Flood Alleviation Scheme: CDM Health & Safety Regulations File (Jacobs UK Ltd. December 2009)
- Correspondence from Natural England and Environment Agency

**Contact Names: Carolyn Jones, Ecology Development Officer 822462.**

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**Appendix One – Declaration Documents (Draft)**

***National Parks and Access to the Countryside Act 1949***

Centenary Riverside Nature Reserve Declaration 2013

In pursuance of Sections 19 and 21 of the above-mentioned Act, and all other powers enabling them in that behalf, the Rotherham Metropolitan Borough Council hereby declares that the land containing 4.5ha or thereabouts situated in the Boston Castle Ward of Rotherham in the County of South Yorkshire and shown edged in red on the attached plan (has been acquired by the Council),

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.

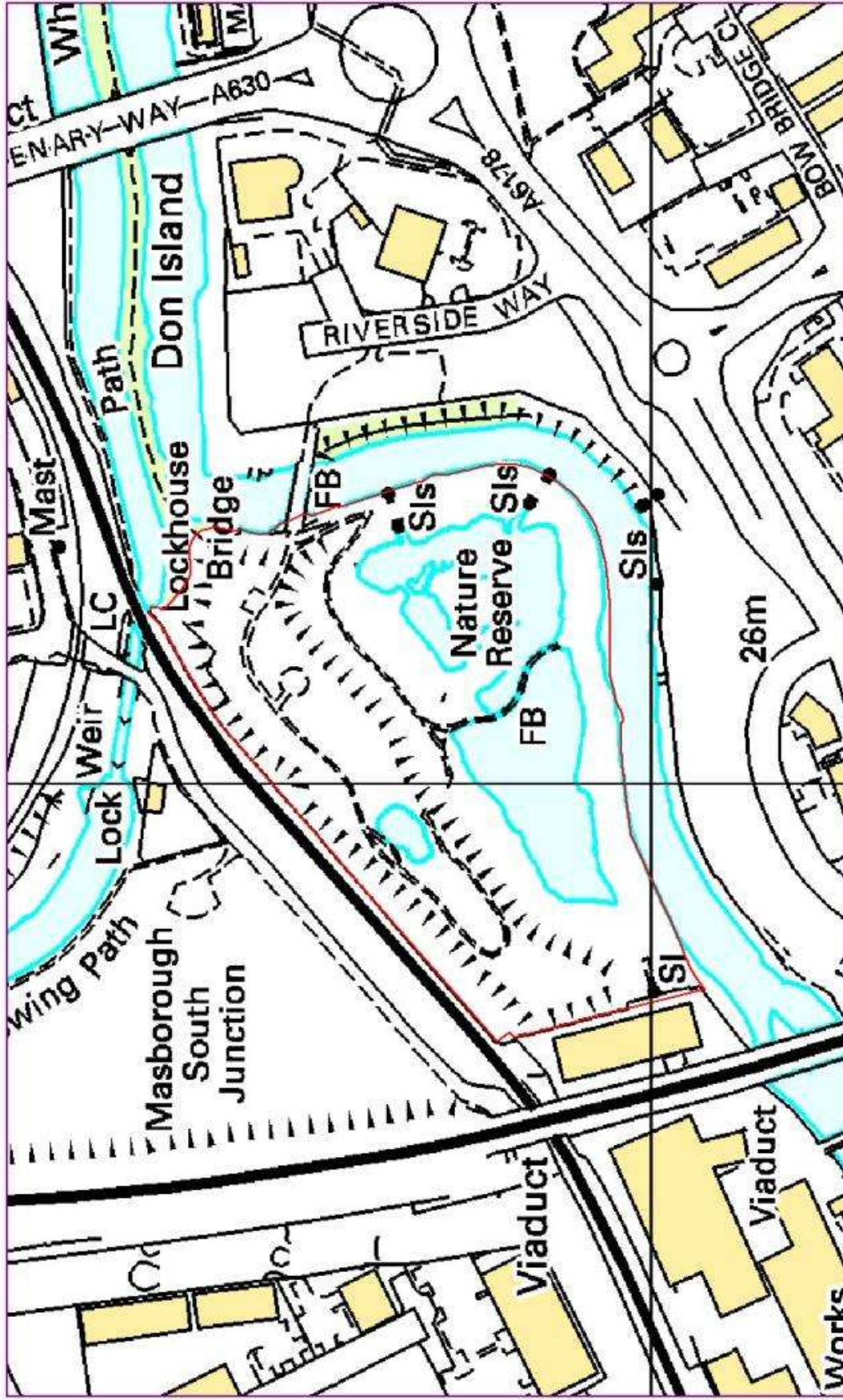
This declaration may be referred to as the Centenary Riverside Nature Reserve Declaration 2013.

Given under the Common Seal of Rotherham MBC this day of Two thousand and thirteen

(SEAL)

(Signed) .....

(Signed) .....



**Centenary Riverside Nature Reserve Declaration 2013 - site boundary**

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**Appendix Two – Notice of Declaration (draft)**

***NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949***

**DECLARATION OF NATURE RESERVE IN THE BOSTON CASTLE WARD OF  
ROTHERHAM IN THE COUNTY OF SOUTH YORKSHIRE**

NOTICE IS HEREBY GIVEN in pursuance of Section 19 of the above-mentioned Act that by the Centenary Riverside Nature Reserve Declaration 2013, made on the day of \_\_/\_\_/\_\_, 4.5hectares or thereabouts situated in the Boston Castle Ward of Rotherham in the County of South Yorkshire and shown edged on the plan attached to the said Declaration has been acquired by the Council 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 \_\_/\_\_/2013

(Signed) .....  
On behalf of Rotherham Metropolitan Borough Council