

# LONDON BOROUGH OF BRENT

Executive – 20<sup>th</sup> June 2005

## Report from the Director of Environment

For action

Wards affected:  
Welsh Harp, Dollis Hill, Fryent, All

### Report Title: BRENT RESERVOIR / WELSH HARP LOCAL NATURE RESERVE DECLARATION

Forward Plan ref: ES 04/05 - 331

#### 1.0 Summary

1.1 The purpose of this report is to seek the Council's Declaration of the Local Nature Reserve at the Brent Reservoir / Welsh Harp.

#### 2.0 Recommendations

2.1 That the Council notes that on 15 March 2005, Barnet Council declared part of the Welsh Harp and Brent Reservoir within the London Borough of Barnet as a Local Nature Reserve.

2.2 That the Council in pursuance of the National Parks and Access to the Countryside Act 1949 declares the land containing 53 hectares or thereabouts situated in the London Borough of Brent and shown on the current Unitary Development Plan map as a Nature Reserve.

2.3 That the Council executes all necessary declarations and all requisite notices are published to give effect to such declaration.

### 3.0 Detail

- 3.1 The Brent Reservoir was designated as a Site of Special Scientific Interest (SSSI) under national legislation in 1950. SSSIs form part of a national series of sites considered important for their wildlife and / or geological interest. While SSSIs are selected nationally by the Government's nature conservation adviser, currently English Nature; local authorities have powers to declare land as Local Nature Reserves under the National Parks and Access to the Countryside Act 1949.
- 3.2 Proposals to establish a Local Nature Reserve at the Brent Reservoir / Welsh Harp (Welsh Harp) have been under discussion since the early 1990s, if not earlier. Part of the Welsh Harp is in Brent while the other part is in Barnet. The proposals have therefore been reported to and discussed by the Welsh Harp Joint Consultative Committee at each committee meeting for several recent years. At the most recent meeting of the Welsh Harp Joint Consultative Committee on 14 April 2005 the committee Resolved 'That the report be noted and the action being taken to complete the remaining stages of the Local Nature Reserve declaration be supported'. The proposal has also been included in the Council's current Unitary Development Plan (UDP) and in the previous UDP. The boundary of the LNR is shown on the UDP map.
- 3.3 Brent Council and Barnet Council have exchanged letters reflecting the intention of the two authorities to work towards the designation of the Local Nature Reserve.
- 3.4 British Waterways, as owner of the Brent Reservoir and some other land at the Brent Reservoir / Welsh Harp has also agreed to the establishment of the Local Nature Reserve over the land that it owns, subject to the need to ensure that the declaration will not prejudice the operational function of the Reservoir in respect of water level management, maintenance of structures, statutory obligations, water sports and other operational issues.
- 3.5 Brent Council and Barnet Council have consulted English Nature on the proposals to establish the Local Nature Reserve. English Nature welcomed the proposal on behalf of English Nature's Council in 2000.
- 3.6 English Nature subsequently advised that the declaration should be a joint one by both Brent and Barnet Councils as the proposed LNR is within both local authorities. Barnet Council, declared their part of the Welsh Harp as a LNR within the London Borough of Barnet on 15 March 2005. Officers are now requesting the Council to declare its part of the Welsh Harp as a LNR.

- 3.7 The Brent Reservoir / Welsh Harp Management Plan will serve as the Management Plan for the Local Nature Reserve. The Management Plan is reviewed periodically by the Welsh Harp Joint Consultative Committee. The Management Plan covers the whole of the Brent Reservoir / Welsh Harp area including land outside of the boundary of the proposed LNR. The Management Plan also serves as the Management Plan for the Site of Special Scientific Interest. As such the Management Plan has been approved by English Nature in respect of the Council's responsibilities under the Countryside and Rights of Way Act 2000 (CROW) and the Wildlife and Countryside Act 1981 (as amended), in that land owners / managers are required to consult with English Nature for any operation in the list of 'Potentially damaging operations'. English Nature has issued a consent for these works unless the operation is likely to have a significant impact on any of the notified features of interest on the site.
- 3.8 The Brent sector of the Local Nature Reserve will have an area of 53.07 hectares or thereabouts. Barnet have estimated the area of the LNR within their Borough as 50 hectares or thereabouts. The total area of the LNR will therefore be approximately 103 hectares. Members should note that the Local Nature Reserve does not cover the whole area of the Brent Reservoir / Welsh Harp. For example, parts of Neasden Recreation Ground have been excluded where the primary use or potential use of the land is not for nature conservation but for recreation or sport.
- 3.9 The 1949 Act gives local authorities powers to make specific nature reserve bye-laws. However, Officers believe that the general park bye-laws are sufficient and will not seek the making of specific nature reserve bye-laws. For example Fryent Country Park, which was declared as a LNR in 1991 is subject only to the same bye-laws as other Brent parks and open spaces and no significant problems have been encountered by lack of specific nature reserve bye-laws.
- 3.10 Declaration of a Local Nature Reserve at the Brent Reservoir should provide potential benefits in terms of the conservation of species and habitats, by highlighting the educational value of the Reservoir and its environs, by promoting access by people visiting the Nature Reserve, and possibly by providing enhanced opportunities for grant applications.

#### **4.0 Financial Implications**

- 4.1 Brent Council's costs associated with the preparation of the Declaration and the publication of the Public Notices had been provided for in the Brent Parks Service 2005/2006 year revenue budget. Once the Local Nature Reserve has been declared, it is not expected that the Local Nature Reserve will require any significant additional finance over and

above the current financial arrangements. However, the declaration may provide opportunities for grant applications.

## **5.0 Legal Implications**

- 5.1 Section 21 of the National Parks and Access to the Countryside Act 1949 gives principal local authorities the power to select, 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 (or LNRs). English Nature must be consulted in the process of declaring the Local Nature Reserve.
- 5.2 A Nature Reserve is defined in Section 15 of the 1949 Act as land managed for the purpose of providing, under special conditions and control, special opportunities for the study, 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 of preserving flora, fauna or geological or physiographical features of special interest in the area; or for both these purposes.
- 5.3 To establish a Local Nature Reserve the local authority must have jurisdiction over the area in which the proposed nature reserve lies. Brent's part of the Brent Reservoir / Welsh Harp Local Nature Reserve is within the London Borough of Brent. Barnet Council have undertaken a similar process for that part of the Local Nature Reserve that falls within the London Borough of Barnet. The land within the Brent part of the Local Nature Reserve is either owned by Brent Council or by British Waterways. It is understood that the Council has the agreement of British Waterways to declare the Local Nature Reserve over that land that is in the ownership of British Waterways; and hence has the necessary interest as required by the 1949 Act.
- 5.4 It will be necessary for the Council to execute a declaration in substantially the form attached to this report at appendix 1 in order for the land to be declared as a LNR.
- 5.5 The Countryside and Rights of Way Act 2001; and section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation of Sites of Special Scientific Interest on land that they own or manage. CROW also encourages land owners to produce Management Plans for the SSSI, which when approved by English Nature, enable the carrying out of the management works specified in the Management Plan.

## **6.0 Diversity Implications**

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None specific.

## **8.0 Environmental Implications**

8.1 The declaration of the Local Nature Reserve will help to protect the wildlife of the Reservoir area and the interpretation of the biodiversity interest.

### **Background Papers**

Dated correspondence and other documents referred to in the Report including:

Welsh Harp Joint Consultative Committee: Agendas; and Minutes.

Letter of 19 December 2000 from English Nature to Brent Council.

Brent Reservoir / Welsh Harp Management Plan.

Letter of 20 November 1997 from Brent to Barnet.

Letter of 25 August 1998 from Barnet to Brent.

Letter of 28 January 1998 from British Waterways to the London Borough of Barnet.

Barker, George. 1999. Local Nature Reserves in England. A Guide to their selection and Declaration. English Nature.

Equality Impact Assessment Completion Form: Brent Reservoir / Welsh Harp Local Nature Reserve, 23 May 2005.

### **Contact Officers**

Any person wishing to inspect the above papers should contact Mr Leslie Williams, Environmental Policy Officer, Brent Parks Service, 660 Harrow Road, Wembley, Middlesex HA0 2HB. Tel.: 020 8937 5628. E-mail: [Leslie.Williams@Brent.gov.uk](mailto:Leslie.Williams@Brent.gov.uk).

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