



Welsh Harp Joint Consultative Committee

17 November 2021

Report from the Strategic Director of Regeneration & Environment

Welsh Harp Management Plan

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix A: Welsh Harp/Brent Reservoir Management Action Plan 2021-22
Background Papers:	▪
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1.0 Purpose of the Report

1.1 This report presents progress on the Brent Reservoir / Welsh Harp Management Plan since the last meeting of the Committee and during the 2021/22 year to date. The Management Plan is jointly managed by the three main land-holding organisations: Brent Council, the London Borough of Barnet, and the Canal & River Trust.

2.0 Recommendation(s)

2.1 Members are asked to note the Report.

3.0 Detail

3.1 Management Plan:

The current version of the Welsh Harp / Brent Reservoir Management Plan, (dated 15 March 2016) is available on the Brent Council website at <https://www.brent.gov.uk/services-for-residents/culture-leisure-and-parks/parks-and-allotments/park-finder/welsh-harp-reservoir/>

3.2 Welsh Harp 'Vision':

Other partner organisations will update the Committee on the Welsh Harp Vision' project that involves also Barnet Council, the Canal and River Trust; the London Wildlife Trust, Greater London Authority and Thames 21.

3.3 Action Plan:

The Welsh Harp / Brent Reservoir Management Plan includes an Action Plan that lists current year progress and actions that may require a longer time - frame and/or for the resources to be identified to undertake the action. For this committee the Action Plan is updated as Appendix A. The 'Progress' column indicates current progress. For Brent Council, additional notes are provided in the following paragraphs:

3.4 Marshland work:

Marshland conservation work recommenced in late September 2021 (after the end of the bird breeding season), on the southern, Neasden Recreation Ground side of the Reservoir. The work is mainly within the Canal and River Trust's land on the marshland edge of the reservoir while also being partially on the Brent Council land of Neasden Recreation Ground. The work has been conducted by volunteers of the Welsh Harp Sailing Association. The focus is on the margins of the southern shore of the reservoir. The Canal and River Trust, and the Welsh Harp Sailing Association have obtained consent from Natural England for the programme of works. Work however has paused temporarily to enable discussions with some members of the community; Brent Council and the Canal & River Trust.

3.5 The work involves the reduction of shade from scrub and from coppiced (previously cut and regrown) trees, to enable the marshland flora to regenerate. A range of trees will be retained, particularly less frequent species there, for example most of the Alder, Silver Birch, Apples, clumps of Osier, regenerating Elms and large Willows. The work is in the marshland and on paths alongside the marshland, which often coincide with a belt of acid grassland. The works aim to improve:

- Habitat and wildlife: The marshland and the marshland flora are valuable for wildlife. The marshland is typically 5-20 metres wide.
- Water wind-sports: Trees on the edge of the reservoir create a wind shadow that can extend over the reservoir and which reduces the wind for water sports.
- Landscape and amenity: The growth of the trees can reduce the view of the reservoir and the views across the reservoir.

3.6 Litter and fly-tipping:

During the late summer and early autumn, volunteers of The Welsh Harp Group and others cleared previously fly-tipped tyres, from the wet woodland on the southern side of the reservoir, to a location in the open at Neasden Recreation Ground. From there the tyres have been collected (due in late October 2021) by the Canal & River Trust.

Brent Council and volunteers have continued to work to keep the open spaces clear of litter.

3.7 Healthy Walks programme:

The walking programme has continued with walkers following social distancing guidelines. Details may change depending upon the Covid regulations and guidance current at the time of the walk: See:

<https://www.brent.gov.uk/services-for-residents/culture-leisure-and-parks/sports-and-wellbeing/sport-activity-finder/healthy-walks-in-brent-welsh-harp-nature-walk/>

3.8 Oak Processionary Moth:

Though the Oak Processionary Moth caterpillars are unlikely to be encountered during the autumn and winter, there were reports during the spring /early summer from the Welsh Harp Open Space. The hairs of the caterpillar can cause an irritation to the skin and to the respiratory tract. The Forestry Commission and others have been attempting to control the spread of the species since it was introduced to the UK in about 2005. More information is on the Forestry Commission website, including guidance on reporting of the caterpillars:

<https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/oak-processionary-moth-thaumetopoea-processionea/>

3.9 Fishing:

The July meeting of the WHJCC requested a joint update from Barnet and Brent be provided for the next meeting outlining the current restrictions, measures available, risks and action being taken to address the concerns raised in relation to illegal night time fishing at the reservoir. The following notes summarise the current information from land managers and others:

Current restrictions on fishing at the Brent Reservoir:

In respect of the Site of Special Scientific Interest, the area of which covers the whole of the water area of the Brent Reservoir, Natural England include fishing as one of the activities that could potentially damage the special interest of the site. As such fishing is an operation requiring Natural England's consent to take place at the reservoir. Fishing is taken to mean 'freshwater fishery production and/or management, including sporting fishing and angling'. Natural England do not consent fishing at the SSSI. The Canal & River Trust, as landowners of the Reservoir, do not permit fishing at the Brent Reservoir.

Measures available and risks of addressing concerns raised:

The Canal & River Trust, as owners of the Brent Reservoir, have primary responsibility for the management of the reservoir.

Brent Council and Barnet Council do not generally have enforcement responsibilities for the water of the reservoir. However, where fishing is taking place from Council land (which is not necessarily on the boundary with the water), there may be options to apply other enforcement, for example if camping is taking place.

The Environment Agency have some enforcement powers (see below).

Actions being taken to address concerns raised in relation to fishing:

- At the July 2021 meeting of the WHJCC, the Canal & River Trust advised they would be willing to support any action taken working with their Fisheries Team.
- The Environment Agency explain that their powers are covered by the Salmon & Freshwater Fisheries Act 1975 as amended.
- The Environment Agency explain that given the SSSI status of the Brent Reservoir, they have a duty to enforce the statutory close season for coarse fish from 15th March to 15th June inclusive. Outside of that time period the Environment Agency will only check anglers present for rod licence compliance. The Environment Agency have no legislative power to enforce unauthorised angling by rod and line which is classed as Theft of Fishing Rights under the Theft Act, being a police matter. The Environment Agency, where resources permit, may provide a response for more serious offences under the Salmon and Freshwater Fisheries Act 1975, such as illegal netting.
- In May 2021, the Environment Agency attended the Welsh Harp on the Spring Public Holiday Monday, 31st May 2021. The officer encountered fishing on the reservoir, in both the geographic areas of the London Borough of Barnet; and of Brent. Those fishing were issued with offence tickets and the Environment Agency officer submitted the information to the Environment Agency Legal Department for their decision. Decisions usually take the form of either a formal warning or prosecution.
- The Environment Agency explain that their Fisheries Enforcement Officers do include the Brent Reservoir in normal routine patrols.
- The most recent visit up to the time of publication of this report was during the week commencing 1st November 2021.
- The Environment Agency are of the view that individuals will continue to attempt to fish at the Brent Reservoir given its location and population of fish, namely carp.
- The Environment Agency have a national hotline for reporting of environmental incidents, including of illegal fishing.
The number is 0800 80 70 60.
- Brent Council does not have powers to issue offence notices for fishing. However, the situation and site notices could be reviewed as part of a future review of the Public Space Protection Orders. Officers could liaise with Barnet as consistency of approach would be advised.
- Barnet Council: Barnet Council have updated signage in the area that includes guidance that fishing is not permitted. The ParkGuard team, an organisation that was commissioned by Barnet to support park patrols during the summer months of 2021 took an engagement role, and reported instances of fishing to the Environment Agency.

3.10 Welsh Harp Environmental Education Centre:

Discussions are continuing regarding the future of the Welsh Harp Environmental Education Centre.

4.0 Financial Implications

- 4.1 The Brent Reservoir / Welsh Harp Management Plan is primarily a land-use document to guide land managers and others in the maintenance, management and legislative issues affecting the land management of the Brent Reservoir and associated land. The Brent Reservoir / Welsh Harp Management Plan also has a forward planning role, particularly in identifying the needs of land management over timeframes into the future.
- 4.2 The actions in the accompanying Action Plan (Appendix A) are achievable over varying time-frames, though many are not affordable within existing budgets in the short term. More details of works are included in Appendix A. Where those works are not currently achievable, the Action Plan highlights key issues. Works are only undertaken when approved by the service responsible for delivering the works within existing approved budgets.
- 4.3 As is being reported to the Committee, the main land-holding organisations at the Welsh Harp and some other organisations are currently working on a 'vision' exercise, which will include a review of possible sources of funding and income for those works currently not affordable

5.0 Legal Implications

- 5.1 Brent Reservoir / Welsh Harp is a designated 'Site of Special Scientific Interest' ('SSSI'). Section 28E of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 ('CROW') and the Natural Environment and Rural Communities Act 2006 (NERC) sets out the duties in relation to SSSIs. Land owners or occupiers, and also public bodies, are required to give notice to and consult with Natural England where they wish to carry out, or cause or permit to be carried out any operation in an area of land that is of special interest by reason of any of its flora, fauna, or geological or physiographical features (this requirement applies to operations within a SSSI, and to operations outside the SSSI that may affect the features of interest). Natural England will issue consent, which may have conditions or refuse consent. It is a criminal offence to carry out a listed operation without Natural England's consent or to ignore any conditions of a consent which may result in an unlimited fine and a restoration order. CROW (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 and enhancement of a SSSI. When advice is obtained from Natural England prior to carrying out the works, an explanation of how the Council has taken into account any advice Natural England has given should be provided –

The Council must be able to show that it considered alternatives that could reduce the impact on the SSSI and the methods being used are those that cause as little damage as practicable to the land:-

The Council should demonstrate how it has assessed differing interests (including the special interests of the SSSI) before deciding to go ahead with the works.

- 5.2 It is good practice for landowners or occupiers to produce Management Plans for the SSSI, which when approved by Natural England, enable the carrying out of the works specified in the Management Plan. This can reduce the administrative work inherent in obtaining consent for individual items of management work.
- 5.3 The Natural Environment and Rural Communities Act 2006 requires that all public authorities in England and Wales, when exercising their statutory functions, must have regard to the conservation of biodiversity, so far as is consistent with the proper exercise of their functions.
- 5.4 Section 28Q of the Wildlife and Countryside Act 1981 requires the owner of land included in a SSSI to inform Natural England within 28 days of any changes in ownership or occupation of the site, including leases, easements and rights.

6.0 Equality Implications

- 6.1 Decision makers must have due regard to the public sector equality duty in making their decisions. The public sector equality duty is set out at section 149 of the Equality Act 2010 and is as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In terms of advancing equality of opportunity, this means to:

- (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

In terms of

- (a) Tackling prejudice, and
- (b) Promoting understanding,

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

6.2 At this stage, no potential adverse impact arising from the recommendations in this report has been identified. However, the equalities implications identified in the Equality Analysis will continue to be considered and assessed as further data / information is obtained or becomes available during the implementation process.

7.0 Consultation with Ward Members and Stakeholders

7.1 None specific.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None specific.

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Environment