

NONSUCH PARK HABITAT MANAGEMENT PLAN 2023-2028

Head of Service: Ian Dyer, Head of Operational Services
Wards affected: (All Wards);
Appendices (attached): Appendix One – Nonsuch Park Habitat Management Plan 2023-2028

Summary

To present the committee with the Nonsuch Park Habitat Management Plan 2023-2028

Recommendation (s)

The Committee is asked to:

- (1) Approve the contents of the Habitat Management Plan and the prescription table, which sets out the ideal actions for future management of Nonsuch Park.**
- (2) Agree that officers work towards the three main objectives of this five-year plan as set out in 2.4 of this report, prioritising the acquisition of a cut and collect machine to deliver optimum land management outcomes.**

1 Reason for Recommendation

- 1.1 The Natural Environment and Rural Communities (NERC) Act 2006 currently includes a duty on public authorities to have regard to the conservation of biodiversity. The new Environment Act has amended this duty so that there is an expectation on public authorities to look strategically at their policies and operations from time to time (at least every 5 years) and assess what action they can take 'to further' the conservation and enhancement of biodiversity. They must also have regard to the relevant Local Nature Recovery Strategies, Species Conservation Strategies and Protected Sites Strategies, as part of the consideration. The production and implementation of a management plan will be a key part of adhering to this duty.

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2 Background

- 2.1 The current edition of the Nonsuch Park Management Plan has been revised and updated to assess the current state of the habitat and highlight areas which are well managed and those areas which are in decline and would benefit from further investment. The plan can be viewed in Appendix One of this report.
- 2.2 This updated plan has been authored by Sarah Cliff, Senior Countryside Officer from Epsom & Ewell Borough Council's Countryside Team.
- 2.3 The Senior Countryside Officer spent many hours conducting on-site surveys and reviewing previous recommendations and actions to assess future requirements to prevent deterioration of this important site.
- 2.4 For simplicity the Plan suggests three main areas to focus on over the next five years:
 - highlight the importance of Nonsuch in terms of its Biodiversity
 - to seek ways to increase the management resource
 - identify practical habitat management techniques, which can continue in to the future.
- 2.5 The ideal time to cut and collect is late summer to early autumn each year and therefore to commit to the prescriptions in this plan it is proposed that Epsom & Ewell Borough Council Grounds Maintenance service acquire a cut and collect machine which will be used in Nonsuch Park as well as other areas of the Borough which benefit from the same maintenance regime.
- 2.6 Grounds Maintenance in Nonsuch Park is provided by the Council and is paid for via an annual recharge to the Joint Management Committee, therefore the purchase of a cut and collect machine will not have a direct on the JMC budget and will be included in the current recharge.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment
 - 3.1.1 None for the purpose of this report
- 3.2 Crime & Disorder
 - 3.2.1 None for the purpose of this report
- 3.3 Safeguarding

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3.3.1 None for the purpose of this report

3.4 Dependencies

3.4.1 The success of this Habitat Management Plan will be dependent on remaining focussed on the key objectives set out in paragraph 2.4

3.5 Other

3.5.1 None

4 Financial Implications

4.1 To fulfil the main objective of this five-year plan, there is likely to be a requirement for additional budget to implement the prescriptions particularly in the case of the acquisition of a cut and collect machine. However, the funding implications for this measure will be fully explored and reported to the Joint Management Committee in spring 2023.

4.2 **Section 151 Officer's comments:** There are no immediate financial implications arising from the contents of this report. However, the budgetary impact of any specific subsequent proposals will be assessed at the time through the normal NJMC decision-making process.

5 Legal Implications

5.1 The legal implications are set out in paragraph 1.1 of this report.

5.2 **Legal Officer's comments:**Section 40(1) of the Natural Environment and Rural Communities Act 2006 (NERC 2006) required a public authority in exercising its functions, to have a regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

5.3 Section 102 of the Environment Act 2021 (EA 2021) extends the general duty of public authorities to the conservation of biodiversity under NERC 2006 to both conserving and "enhancing" the biodiversity objective.

5.4 The duty is now as follows: "A public authority which has any functions exercisable in England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective." (section 102 (3) EA 2021).

5.5 The general biodiversity objective is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England (Section 102 (3) EA 2021).

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- 5.6 A public authority must (a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective and (b) take such action as it considers appropriate, in light of those policies and objectives, to further that objective (section 102(3) EA 2021). This must be completed by the public authority within the period of one year of the day that section 102 EA 2021 comes into force.
- 5.7 Any subsequent consideration of policies must be completed no later than 5 years after the first review of its policy (section 102(3) EA 2021).
- 5.8 In complying with the requirements of the duty, the public authority must have regard to any relevant local nature recovery strategy and any relevant species conservation strategy or protected site strategy prepared by NE. The Secretary of State has a duty to publish guidance to local planning authorities as to how they are to comply with this duty, the first such guidance being published within two years of the coming into force (section 102(5) EA 2021).
- 5.9 The authority must have regard to any relevant local nature recovery strategy and any relevant species conservation strategy or protected site strategy prepared by Natural England (section 102(5) EA 2021).

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Green and Vibrant
 - Safe and Well
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** Well managed eco systems is key to ensuring climate stability.
- 6.4 **Sustainability Policy & Community Safety Implications:** None for the purpose of this report.
- 6.5 **Partnerships:** The successful delivery of the Habitat Management Plan relies on sustaining relationships with a number of stakeholders such as members and officers from both Councils, volunteers and commercial partners.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports: Nonsuch Park Management Plan 2021-2026

Other papers: