

THAMES TO DOWNS NATIONAL NATURE RESERVE

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	Cuddington Ward; Ewell Court Ward; Horton Ward; Ruxley Ward; Stamford Ward; West Ewell Ward; Woodcote and Langley Vale Ward;
Urgent Decision?(yes/no) No	No
If yes, reason urgent decision required:	
Appendices (attached):	<ol style="list-style-type: none">1. Plan of Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park.2. Natural England briefing on National Nature Reserve expansion proposal April 2023

Summary

This report asks the committee to agree that Officers continue to explore the possibility of including Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park in the proposed Thames To Downs National Nature Reserve. The key objectives of inclusion in the National Nature Reserve are:

- Ensure the long-term protection and enhancement of the Borough's biodiversity.
- Working in partnership to raise awareness and engagement in Biodiversity.
- In line with the Local Plan, identify and realise new opportunities for nature.
- Seek to secure sustainable long-term funding for the Borough's open spaces.
- In line with our Biodiversity Action Plan, taking opportunities to act locally to help address the global loss of biodiversity.

Recommendation (s)

The Committee is asked to:

- (1) Agree that Officers continue to explore the possibility of including Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park in the proposed Thames To Downs National Nature Reserve, and report back to this Committee if Natural England indicate that we meet the criteria for entry into the proposed National Nature Reserve.**

1 Reason for Recommendation

- 1.1 Inclusion within the proposed Thames To Downs National Nature Reserve (NNR) provides an opportunity to consolidate and build on the progress EEBC is making in managing biodiversity and public access within its open spaces.
- 1.2 Inclusion would give national recognition that EEBC as an 'Approved Body' manages its land to the highest environmental standards on a permanent basis.
- 1.3 NNR management criteria chime with our own approach of managing biodiversity whilst at the same time ensuring good public access.
- 1.4 Working in an NNR partnership with nearby landowners is likely to assist over time in attracting significant outside funding to assist us in protecting and managing our land over the long term.
- 1.5 Inclusion in the NNR fulfils Key Service Priorities (see section 6) and demonstrates that we are adhering to our statutory responsibilities (see section 5).
- 1.6 Being part of wider NNR will assist EEBC in adhering to its 'Biodiversity Duty' and other environmental requirements such as the soon to be implemented Local Nature Recovery Strategies.
- 1.7 NNR status promotes the Borough as a great place to live and work.
- 1.8 A National Nature Reserves will help enhance the borough's natural assets, preserving and increasing biodiversity. Biodiversity provides many of the essentials of life, our oxygen, clean water, food, clothing, health and relaxation. Protection and enhancement of our local biodiversity is vital. We must 'act locally and think globally'.

2 Background

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- 2.1 Epsom Common Local Nature Reserve (LNR) became a nationally important site for nature when it was designated along with Ashted Common as a Site of Special Scientific Interest (SSSI) in 1955. In the 2005 – 2015 Epsom Common Management Plan the Council committed to returning Epsom Common to a 'Favourable' SSSI condition assessment, followed by an application to become a National Nature Reserve, making the whole of the Epsom & Ashted Commons SSSI part of a National Nature Reserve.
- 2.2 Seeking an NNR declaration for Epsom Common LNR is referenced in the Council's current Epsom Common LNR Management Plan 2016 - 2021 and the Climate Change Action Plan.
- 2.3 National Nature Reserves (NNRs) have been established to protect some of our most important habitats, species and geology, and to provide 'outdoor laboratories' for research. Most NNRs offer opportunities for schools, specialist interest groups and the public to experience wildlife at first hand and to learn more about nature conservation.
- 2.4 There are currently 221 NNRs in England with a total area of over 105,000 hectares - approximately 0.7% of the country's land surface. The largest is The Wash covering almost 8,800 hectares, while Dorset's Horn Park Quarry is the smallest at 0.32 hectares. The five proposed sites in Epsom & Ewell have a combined area of 455 hectares (1,124 acres) which equates to 13.4% of the Borough.
- 2.5 A 'Favourable' SSSI condition assessment was achieved in 2010 and the Council commenced the NNR application process. Unfortunately, due to cutbacks at Natural England the application was postponed for almost a decade. In 2021 the Council was approached again by Natural England offering the possibility of proceeding with an application. In 2022 Natural England explained that their approach to declaring a NNR had changed with an emphasis now on looking for opportunities to create much larger landscape scale NNRs. This is in line with the government's Lawton Report (2010) on 'Making Space For Nature'. The report envisaged more, bigger, better and joined-up sites within the landscape, and the first 'super' NNR was created in 2020, combining three existing smaller NNR's in Dorset. The Council has been invited to put forward other sites under its ownership/management for possible inclusion in a landscape scale (super) NNR stretching from the Thames at Kingston to Box Hill on the North Downs.

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- 2.6 Five candidate sites (Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park) have been identified in Epsom & Ewell along with sites in Royal Borough of Kingston-Upon-Thames, Elmbridge and Mole Valley. Natural England have suggested an affiliate status for sites that have nature conservation value but their primary purpose is not nature conservation. For example, in Epsom and Ewell, Epsom Downs could affiliate. It should be noted that for Nonsuch Park to be included, separate permission will have to be gained from the Nonsuch Park Joint Management Committee.
- 2.7 A partnership with a wide range of landowners is envisaged that in addition to local authorities may also include, Surrey Wildlife Trust, National Trust, Woodland Trust, Crown Estates, Merton College (Oxford) and City of London (Ashted Common).
- 2.8 Should the principle of the named sites within Epsom & Ewell being put forward for consideration be agreed, and the Super NNR is progressed by Natural England, the sites will be assessed for their suitability and the Council will also be assessed for its suitability as an 'Approved Body' capable of managing a NNR.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 An NNR declaration/partnership will potentially increase accessibility to the borough's open spaces and give opportunities for people of all ages, and including under-represented groups such as young people, to experience and enjoy the special qualities of NNRs.

3.2 Crime & Disorder

- 3.2.1 An NNR declaration will raise the profile of our sites where our current management encourages residents to understand and appreciate the importance of their local biodiversity. Greater respect and understanding of biodiversity can help towards decreasing anti-social behaviour.

3.3 Safeguarding

- 3.3.1 An NNR declaration will support the Council's active and ongoing management of its nature reserves which has encouraged the use of volunteers to assist in managing and enhancing the Borough's biodiversity. Volunteer activities have been provided that include opportunities for vulnerable adults.

3.4 Dependencies

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3.4.1 None for the purposes of this report.

3.5 Other

3.5.1 None for the purposes of this report.

4 Financial Implications

4.1 Funding is required to ensure the Council complies with the 'Statutory Duty' and wider 'Biodiversity Duty' described below in section 5. An NNR declaration and partnership is likely to increase the chances of securing significant external funding over the long term.

4.2 **Section 151 Officer's comments:** Given the significant funding gap faced by the Council over the next few years, funding required to ensure compliance with statutory duties should be identified within existing budgets, or external grant funding received for this purpose.

5 Legal Implications

5.1 Under Section 102 of the Environment Act 2021 there is a general duty for all public bodies to conserve and enhance biodiversity. A public authority which has any functions exercisable in relation to 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. An NNR declaration and 'Approved Body' status would strongly indicate the Council's compliance with the duty.

5.2 Under the Countryside and Rights Of Way Act Epsom & Ewell Borough Council like all public bodies who own a SSSI has a duty under section 28G of the Wildlife and Countryside Act 1981 as amended by the Countryside & Rights of Way Act 2000 (CROW), to further the conservation and enhancement of the SSSI. An NNR declaration would indicate the Council's commitment to both the conservation and enhancement of the Epsom and Ashted Commons SSSI.

5.3 It should be noted that an NNR declaration does not create a designation with any legal status. For example, there would be no veto over another landowner and what they may do with their land. From a Council perspective an NNR declaration does not prevent other Council decisions regarding use of Council land or buildings, nor does it prevent or affect current day to day usage of the sites by residents.

5.4 **Legal Officer's comments:** None for the purposes of this report

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Maintain clean and attractive streets and open spaces.

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- Enhance the borough's natural assets, preserving and increasing biodiversity.
- Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.
- Encourage high quality design, which balances the built environment with open green spaces.
- Work with partners to improve the health and wellbeing of our communities, focusing in particular on those who are more vulnerable.
- Enable community and voluntary sector run activities which enhance wellbeing and community safety outcomes.

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan. In addition it is currently Council policy to seek an NNR declaration for Epsom Common Local Nature Reserve both in the 2016 to 2116 Epsom Common LNR Management Plan and the Councils Climate Change Action Plan. An NNR declaration would also help deliver the Councils Biodiversity Action Plan.

6.3 **Climate & Environmental Impact of recommendations:** The inclusion of our open spaces in the proposed NNR will have positive outcomes for the Borough's environment, both climate and biodiversity, and support achieving the following action detailed in the Council's Climate Change Action Plan: In line with current Council Policy, secure National Nature Reserve status on Epsom Common Local Nature Reserve.

6.4 **Sustainability Policy & Community Safety Implications:** Sustainability is a core aim of an NNR, which strives to manage and enhance the NNR's biodiversity in perpetuity. Good public access is another core aim helping residents to understand and respect nature making them safer places to be.

6.5 **Partnerships:** The Thames To Downs NNR will be a large partnership of neighbouring local authorities and other nature conservation orientated organisations (see 2.4 above).

7 Background papers

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

Previous reports: None

Other papers:

- Epsom Common Local Nature Reserve Management Plans 2005 – 2015 and 2016 – 2116

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- Epsom & Ewell Biodiversity Action Plan 2020 – 2030
- Epsom & Ewell Climate Change Action Plan
- Epsom Common V5 proposal form for 2013 application
- Approved body criteria letter 2013
- The Selection Principles for National Nature Reserves in England (NE808), Natural England, 2023
- Natural England NNR Expansion Briefing Pack April 2023