

<b>SUBJECT:</b>	Littleworth Common.
<b>REPORT OF:</b>	Officer Management Team - Director of Services Prepared by - Head of Environment

## 1. Purpose of Report

- 1.1. The purpose of this report is to update Members and to consider whether to re-apply for the Higher Level Stewardship funding from Natural England for Littleworth Common for the 10 years from 2014/15.

## 2. Links to Council Policy Objectives

- 2.1 The management of Littleworth Common contributes to the Council's aim to make our environment measurably cleaner, healthier and managed in a way to preserve it for future generations.

## 3. Background

- 3.1. Littleworth Common is significant lowland heathland of 16 Hectares/ 39.6 acres and is shown edged in black on the plan at Appendix A.
- 3.2 The site is a Site of Special Scientific Interest (SSSI). Natural England (NE) guidance states that "The purpose of SSSIs is to safeguard, for present and future generations, the diversity and geographic range of habitats, species... including the full range of natural and semi-natural ecosystems." The legislation states that the owner or the occupier of the site is legally responsible for the site and has a statutory duty to get the SSSI into a favourable condition (it's current status is 'unfavourable recovering').
- 3.3 The District Council manages the site on behalf of the owner.
- 3.4 The Council previously prepared a 10 year Management Plan for the years 2011 - 2021.
- 3.5 The Council's revenue programme includes a budget of £1,000 per annum (reduced from £10,000) for bracken and birch removal with the aim to encourage regeneration of the heather.
- 3.6 Approval was given at a previous PAG to apply for Higher Level Stewardship (HLS) funding for a 10 year period. This application was submitted to NE.
- 3.7 Unfortunately Natural England reviewed the application (and all similar applications where the applicant is not the owner of the site) and in light of the strict guidelines for HLS funding, they now believe that SBDC is NOT eligible for the HLS funding as the application stands at present.
- 3.8 On advice from Natural England, officers then tried to make contact with the owners to get them to Countersign the application. In counter signing the application/ agreement the owner would be underwriting the management of the common - i.e. if for any reason the Council failed to progress the

management, they would then be responsible for seeing through the agreement. This countersignature will allow the Council effective control of the land for 10 years in keeping with the Environmental Stewardship regulations.

- 3.9 Unfortunately no response was received from the owner so the application had to be withdrawn.

#### 4.0 Discussion

- 4.1 Officers have recently met with Natural England to discuss the issue. NE advises that the best way to progress would be to re-apply for HLS for funding for the management of the smaller central area of the common.
- 4.2 This time should the owner continue to remain uncooperative the Council can proceed with the application but at a small risk that should the grant be successfully challenged, the funding might be withdrawn and the Council liable to penalties.
- 4.3 SBDC now needs to decide whether to make the re-application, or to continue only with the limited works that we are doing at present. The purpose of this report is to ask Members to consider the risks and benefits to making the application.
- 4.4 Benefits of applying
- NE would prepare the paperwork, so not much extra work for SBDC to do.
  - Approximately £1,000 per annum grant funding for the works to the central part of common, making it easier to manage the site.
  - New HLS grant would concentrate on a smaller area of the common, which would suit some of the residents views (NE has indicated that this would be agreeable to them.)
  - The Farm Environment Plan (FEP) which is required for an HLS application has already been done, so no need to pay for this again.
- 4.5 Members may wish to also consider/ re-consider other options for the site:
- Get the owner of the site to take back the management and responsibility of the common. Considering the lack of response from them to date it is considered that this option is unlikely to produce any results.
  - Carry on as at present with the very limited Council funding (£1,000 per annum) and let the site slowly deteriorate back to 'unfavourable' status. This could lead to some local opposition (there are some who support our work there) and could be seen as a breach of the Council's Legal duties to protect and enhance important areas of nature conservation.
- 4.6 It is understood that NE can't force the Council to have a HLS scheme, but Members may wish to consider that having gone through all the recent work to get this far, they should consider the above.

#### 5. Resources, Risk and Other Implications

- 5.1 The Council has allocated £1,000 revenue funding per annum for works at this site.

- 5.2 The new HLS application would bring in approx. a further £1,000. This would be spent on extra works over & above what the current £1k budget is spent on so there would be no financial benefit to the Council.
- 5.3 The cost to SBDC of preparing the new HLS application would be minimal. Some office time would be required.
- 5.4 The Council is required to effectively manage this site and under the Wildlife and Countryside Act to further the conservation of biodiversity. This is demonstrated by having an agreed management plan in place and carrying out the agreed works, together with external funding where available.

#### Risks

- 5.5 SBDC would need to make direct contact with the owner of the site to get them to agree to Countersign. They may not be willing to be responsible for seeing through the agreement should the Council fail (especially as we believe they are a 'Holding Company' in Gibraltar.)
- 5.6 If Dropmore Holdings do not provide a signature , and the Council submits a non-countersigned application and subsequently obtains an HLS agreement, it is possible that it could be subject to a legal challenge from a third party. If this occurs the agreement may be terminated by Natural England. South Bucks Council would be liable to repay all grant monies paid up to the point of termination and may also be subject to additional penalties.
- 5.7 However it is considered that this risk is small.

## 6. Summary

- 6.1 The Policy Advisory Group's advice is sought on whether having regard to the risks outlined in this report, the Portfolio Holder should recommend to Cabinet making a new application to Natural England for Higher Level Stewardship funding, for the next 10 years.
- 6.2 The Policy Advisory Group's advice is sought on whether the Portfolio Holder should be asked to recommend to Cabinet that delegation for the preparation and submission of this application should be given to the Head of Environment.

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<b>Background papers</b>	<b>Previous Environment PAG reports</b>