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<b>SUBJECT:</b>	<b>Littleworth Common Ownership Update</b>
<b>REPORT OF:</b>	<b>Environment Portfolio Holder – Councillor Luisa Sullivan</b>
<b>RESPONSIBLE OFFICER</b>	<b>Head of Environment – Chris Marchant</b>
<b>REPORT AUTHOR</b>	<b>Landscape Officer - Simon Gray</b>
<b>WARD/S AFFECTED</b>	<b>Burnham</b>

## 1. Purpose of Report

The purpose of this report is to update Members on negotiations about the ownership of Littleworth Common and the proposed transfer of the site to SBDC.

### RECOMMENDATION

That the PAG advises the Portfolio Holder to recommend to Cabinet that provided the owner can transfer sufficient title to enable the Council to access available grant funding, that the Cabinet agrees the transfer of Littleworth Common to the Council and delegates final agreement of the transfer terms to the Head of Environment in consultation with the Head of Legal and Democratic Services.

## 2. Reasons for Recommendations

2.1 The Council manages the land at Littleworth Common on behalf of the current owners under a management agreement. The site is a Site of Special Scientific interest (SSSI) so Natural England has specific requirements about the way that the site is managed.

2.2 The Council in past years obtained grant funding from Natural England (NE) and its predecessor English Nature. However recent restrictions on government spending and a review of NE's procedures have limited the grants that can be given to bodies who do not own the land. If the Council owns the common it would be able to apply for an NE grant of up to £4k per annum.

2.3 The owners have to date not contributed any funds towards the management of the site. This and the fact that the Council's budget for managing the site has recently been cut from £10k to £1k per annum has resulted in it been increasingly difficult to achieve measurable results.

2.4 The current owners, who own the site via an offshore company (Dropmore Holdings), do not show any interest in the site and wish to dispose of it. It is suggested that South Bucks District Council as managers of the site may wish to take it over through a property transfer to guarantee the future of the site. As freehold owners the Council would also be able to obtain the rental income of c£1,200 per annum from the lease of part of the site for a car park. This income would be used to further the habitat improvement on the site.

### 3. Content of Report

3.1 Littleworth Common is an important site being a Site of Special Scientific Interest (SSSI) of 16 Hectares/ 39.6 acres with valuable habitats of lowland heathland, ponds and woodland. It is valued by local residents and has many visitors.

The site is shown edged in black on the plan at Appendix A.

3.2 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 is currently ‘unfavourable recovering’).

Pros and Cons of the Council owning the site are shown below.

#### Pros

3.3 Natural England sets out specific requirements for the management of the site. The Council spends considerable time and financial resources to meet these requirements and manage the site to the satisfaction of local residents. The Council as owners would be better able to obtain external grants from Natural England as they have restrictions about the grants they can allocate to non-owners. (The Council cannot currently obtain NE funding.) As the Council already has an obligation to manage the site there would be little additional work or financial commitment if it owned the site.

3.4 Should the Council own the freehold, it would also be able to obtain the rental income of c£1,200 per annum from the lease of part of the site for a car park. This income would be used to further the habitat improvement on the site. Periodic minor surfacing repair works would be required but the cost of these would be met from the extra income generated.

3.5 Previous attempts have been made to engage with local residents to work with them in some of the tasks but these attempts have achieved little local support so a renewed approach is proposed. Should the Council own the land it would be able to work with voluntary organisations such as the Chiltern Rangers to progress further management of the common (they only work with owners of land). Initial discussions with the Chiltern Rangers have indicated that they would be willing to engage with local residents to manage the site. In their experience this approach of a third party Community organisation engaging with residents often achieves more results than the Council trying to work with residents.

3.6 The Chiltern Rangers Community Interest Company (CIC) is a new, not-for-profit social enterprise delivering woodland management and community engagement in the Chilterns area. It is proposed that should the Council own the site, it could allocate a budget of circa £2.5 K per annum to them which would enable them to engage further with residents to carry out works and achieve closer working with the community and potentially bring in more grant funding than the Council could obtain.

Therefore the total likely annual budget for other management works would be circa £3.7k less officer time.

3.7 In addition, the British Trust for Conservation Volunteers has previously expressed interest in working on the site. They have previously helped the council to set up a successful Friends Group on a similar site at Stoke Common.

3.8 Should SBDC own the common it would also be in a better position as above to work closer with partners within the Natural Environment partnership (NEP) to ensure that the site is better valued as an important part of the landscape of Buckinghamshire.

### Cons

3.9 There are certain legal responsibilities that the owners of a SSSI have. These responsibilities include:

- To Comply with Management Plans. If not complied with, Natural England (NE) can impose Management Notices and possible fines.
- To carry out works at appropriate times of year – e.g. scrub clearance – and issue written notification of all potentially damaging works
- Not to carry out damaging works – possible fine of £20,000
- To comply with the Wildlife and Countryside Act 1981, Countryside and Rights of Way (CROW) Act 2000 and NERC Natural Environment and Rural Communities Act 2006, and other Legislation. e.g. Public Health and Safety, Access.
- To inform Natural England of change in ownership or occupation
- To protect species and habitats within the SSSI which are part of the Notification of the site.

3.10 Due its SSSI status, the site should be maintained in a favourable condition, and has to be maintained as a specific natural habitat for ever, and cannot be developed. However, as a responsible body, The Council already fulfils the above requirements so there would not be any additional financial, legal or practical work.

3.11 A summary of the financial implications and funding available for the site if the Council owned the site is shown in the table below:

	Without ownership £	With ownership £
NE funding	Nil	4k
SBDC funding	1k	1k
Pub car park	Nil	1.2k
Chiltern Rangers	Nil	-2.5k (but this would fund other management works.)
Total	1k	3.7k

## 4. Consultation

4.1 Natural England has been consulted and is supportive of the proposals.

4.2 The owners of the land, Dropmore Holdings have been approached through their solicitor and are in agreement with the proposed approach. They have been asked for a financial endowment to accompany the land transfer, to aid the management responsibility in future years. They have declined. However it is anticipated that additional grant funding from Natural England would enable considerably more habitat management work.

4.3 The land is not registered with HM Land Registry. This does not, of itself, prevent a transfer provided the owner has sufficient evidence of their legal title to the land. However, to date the owners have not been able to provide officers with documentary evidence of their title. It appears the relevant documents may have been mislaid and further searches will be necessary to establish the exact position. Again this is not necessarily fatal to a transfer as the owners can make a statutory declaration confirming their ownership. In these circumstances your officers will need to be satisfied that the legal title passing to the Council would be sufficient to access available funding.

4.4 Further work is therefore required to establish the formal proof of ownership and adequacy of title that can be transferred.

4.5 Burnham Parish Council and local residents will be updated after the meeting.

## 5. Options

Option 1: Do nothing. This would leave the Council as managers of the site with its current liabilities and restrictions on obtaining external funding.

Option 2: Continue to progress the transfer of the land to the Council. This is the preferred option as this would give clarity to the ownership situation and ensure the continued protection of the site for residents to enjoy and for the habitats to remain in a favourable condition. This will however be subject to establishing adequate legal title can be transferred to the Council

## 7. Corporate Implications

7.1 Financial implications - The District Council as managers of the land only cannot currently obtain the full grants that would be available should the Council own the freehold of the site. Should the Council own the site, the potential additional income would be in the region of £5k. Transfer will incur the Council in some fees for any searches required and registration of the Common with HM Land Registry. However these will be minimal. A transfer at nil consideration will not attract a liability for payment of Stamp Duty Land Tax.

7.2 Legally, although the land is currently owned by others, the District Council manages the land on their behalf under a Scheme of Management. The full ownership of the site would enable to Council to engage better with local residents. The legal issues relating to proof of adequate title to the Common will need to be resolved before the terms for any transfer can be finalised.

**8. Links to Council Policy Objectives**

8.1 The matter is related to the Council's medium-term aims of a thriving and sustainable district, which protects the Green Belt and character of the area and enhances the quality of the built environment.

**9. Next Step**

9.1 Further discussions with the landowners to take place to ascertain the legal state of their current ownership and subject to establishing that adequate legal title can be transferred, terms of a transfer at nil consideration agreed with the owners.

<b>Background Papers:</b>	Previous PAG reports on this matter.
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