

SUBJECT:	Littleworth Common Ownership update
REPORT OF:	Environment Portfolio Holder Cllr L Sullivan
RESPONSIBLE OFFICER	Head of Environment
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WARD/S AFFECTED	Burnham

1. Purpose of Report

The purpose of this report is to update Members about the ownership of Littleworth Common and to request Members' agreement to complete the proposed transfer of the site to SBDC.

RECOMMENDATIONS

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 currently does not own the land at Littleworth Common but manages it on behalf of the current owner under an adopted Scheme of Management. 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 current owners have no working interest in the site and have agreed to transfer the site to SBDC at no cost to guarantee the future of the site.
- 2.3 At the Environment PAG meeting on 15 June 2015 Members considered the proposed land transfer but deferred a recommendation to Cabinet pending further clarification of the current owner's title, and confirmation that the title can be transferred.
- 2.4 Confirmation of the above has now been obtained by officers, and the Common has now been formally registered at HM Land Registry, as required by our Legal Dept. Therefore subject to Members approval the transfer can now be progressed.

3. Content of Report

- 3.1 Littleworth Common is 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'). SBDC already undertakes this duty under the Scheme of Management.

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

Pros

- 3.3 NE sets out specific management requirements for the site. The Council spends considerable time and financial resources to meet these requirements and manage the site to the satisfaction of NE and local residents. As owners the Council would be better able to obtain external grants from NE (potentially up to £3k per annum) as there are 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, estimated to be a few hundred per annum, would be met from the extra income generated.
- 3.5 The Chiltern Rangers Community Interest Company (CIC) is a 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 circa £2.5 K per annum to them which would enable them to engage further with residents, to carry out works, achieve closer working with the community and potentially bring in more grant funding that the Council could obtain. This would enable better management of the common and reduce officer time involved in the management of the site.
- 3.6 In addition, the British Trust for Conservation Volunteers has previously expressed interest in working with the Council on the site. They have previously helped the Council to set up a successful Friends Group on a similar site at Stoke Common.

Cons

- 3.7 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. This has not proved to be an issue to date.
 - 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.

- 3.8 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.
- 3.9 A summary of the financial implications and funding available for the site if the Council owned the site is shown in the table below:

Potential additional funding for works on the Common –

- i) As freehold owners the Council would be able to obtain the income from a car park lease circa £1,200 per annum.
- ii) We could apply for Natural England funding of about £2-3 k per annum depending on works achievable.

	Without ownership £	With ownership £
NE funding	Nil	3k
SBDC funding	1k	1k
Pub car park	Nil	1.2k
Chiltern Rangers	Nil	-2.5k (but this would fund other site management works.)
Total available for works on site	1k	2.7k

In summary the potential increased legal liabilities of ownership, which the Council as managers are already subject to, can be offset against the benefits of the proposed ownership of the site - more funding and better working opportunities.

4. Consultation

- 4.1 Natural England has been consulted and is supportive of the proposals.
- 4.2 Burnham Parish Council and local residents will be updated should this proposed transfer proceed.

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, enable external funding and ensure the continued protection of the site for residents to enjoy and for the habitats to remain in a favourable condition.

6. Corporate Implications

6.1 Financial implications - The District Council as managers of the land 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 £4k.

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.

6.2 Legally, although the land is currently owned by others, the District Council manages the land on their behalf under a Scheme of Management and suffers liability for the site. The full ownership of the site would enable the Council to have legal clarity and to engage better with local residents.

7 Links to Council Policy Objectives

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.

8 Next Step

If Members are minded to approve the land transfer to Cabinet, officers will prepare the necessary legal documents and if delegated authority is approved, the final agreement of the transfer terms (terms of a transfer at nil consideration agreed with the owner) will be agreed by the Head of Environment in consultation with the Head of Legal and Democratic Services.

Background Papers:	
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